



भारत का राजपत्र

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सं. 52] नई दिल्ली, दिसम्बर 20—दिसम्बर 26, 2009, शनिवार/अग्रहायण 29—पौष 5, 1931
No. 52] NEW DELHI, DECEMBER 20—DECEMBER 26, 2009, SATURDAY/AGRAHAYANA 29—PAUSA 5, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 3488.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्य सरकार, गृह विभाग की अधिसूचना सं. 6/सी.बी.आई.-705/2009-3675 दिनांक 18 सितम्बर, 2009 द्वारा प्राप्त सहमति से भारतीय दंड संहिता की धारा 302/120 (बी) और आयुध अधिनियम की धारा 27 के अंतर्गत श्री अनिल कुमार सिंह, फॉरेस्ट रेंज अधिकारी की हत्या के संबंध में पुलिस स्टेशन दोरन्दा जिला रांची में दर्ज मामला सं. 255/2009 दिनांक 4-7-2009 के अन्वेषण के संबंध में तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किहीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण झारखण्ड राज्य के संबंध में करती है।

[सं. 228/47/2009-एवीडी-II]
चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 14th December, 2009

S.O. 3488.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jharkhand, Home Department vide Notification No. 6/C.B.I.-705/2009-3675 dated 18th September, 2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State Government of Jharkhand for investigation of the case No. 255/2009 dated 4-7-2009 under sections 302/120(B) I.P.C. and Section 27 Arms Act registered at Police Station, Doranda, District Ranchi relating to the murder of Sh. Anil Kumar Singh, Forest Range Officer and abetment and conspiracy in relation to or in connection with the above mentioned offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/47/2009-AVD-II]
CHANDRA PRAKASH, Under Secy.

सूचना एवं प्रसारण मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 7 दिसम्बर, 2009

का.आ. 3489.—इस मंत्रालय के दिनांक 30-11-2009 के समसंबंधिक अधिसूचना में आंशिक रूप से संशोधन करते हुए क्र.सं. 42 एवं क्र.सं. 43 पर केन्द्रीय फिल्म प्रमाणन बोर्ड, मुम्बई के सलाहकार पैनल के सदस्यों श्रीमती अंजली पठारे एवं श्रीमती विद्या कदम के नाम मिटा दिए गए हैं क्योंकि उनके नाम क्रमशः क्र. सं. 13 एवं क्र.सं. 27 पर पहले से उल्लिखित हैं।

[फा. सं. 809/7/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

**MINISTRY OF INFORMATION AND
BROADCASTING
CORRIGENDUM**

New Delhi, the 7th December, 2009

S.O. 3489.—In partial modification of this Ministry's Notification of even number, dated 30-11-2009, the names of Smt. Anjali Pathare and Smt. Vidya Kadamb, Advisory Panel Members, CBFC, Mumbai at S. No. 42 and S. No. 43 stand deleted as their names have already been mentioned at S. No. 13 and Sl. No. 27 respectively.

[F. No. 809/7/2009-F (C)]

AMITABH KUMAR, Director (Films)

सिंदेश मंत्रालय

(सी.पी.बी. प्रभाग)

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 3490.—राजनयिक और कॉन्सलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में, केन्द्र सरकार एतद्वारा श्री प्रकाश चन्द्र जोशी, सहायक को 14-12-2009 से भारत के राजदूतावास, कुवैत में सहायक कॉन्सुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2006]

आर. के. पेरिनडिया, अवर सचिव (कॉन्सुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C. P. V. Division)

New Delhi, the 14th December, 2009

S.O. 3490.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Prakash Chandra Joshi, Assistant in

the Embassy of India, Kuwait to perform the duties of Assistant Consular Officer with effect from 14th December, 2009.

[No. T-4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 3491.—केन्द्रीय सरकार, नियांत (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और नियांत (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के अनुसरण में मैसर्स ईटालैब (गोवा) प्राइवेट लिमिटेड, में 103, लोतलिकर बिल्डिंग, मारगोवा-403601 में स्थित को 10 दिसम्बर, 2009 से इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की ओर अवधि के लिए भारत सरकार के वाणिज्य और उद्योग मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ सम्बद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क (समूह-1) अर्थात् लौह अयस्क, मैग्नीज अयस्क (मैग्नीज डॉयलसाइड को छोड़कर), फैरोमैग्नीज सहित फैरोमैग्नीज स्लेग और ब्रॉक्साइट सहित केलसींड ब्रॉक्साइट, के नियांत से पूर्व निम्नलिखित शर्तों के अधीन गोवा में उक्त खनिजों और अयस्कों का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(i) मैसर्स ईटालैब (गोवा) प्राइवेट लिमिटेड, गोवा, खनिज और अयस्क समूह-1 का नियांत (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण-पत्र देने के लिए उनके द्वारा अपनाई गई पद्धति की जांच करने के लिए, इस संबंध में नियांत निरीक्षण परिषद् द्वारा नामनिर्देशित अधिकारियों को पर्याप्त सुविधाएं देगी,

(ii) मैसर्स ईटालैब (गोवा) प्राइवेट लिमिटेड, गोवा, इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण), नियांत निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए गए निदेशों से आबद्ध होंगे।

[फा. सं. 4/11/2009-ईआई एंड ईपी]

किरण पुरी, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 17th December, 2009

S.O. 3491.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in pursuance of sub-rule (2) of Rule 12 of the Export (Quality Control and

Inspection) Rule, 1964, the Central Government hereby recognises M/s. Italab (Goa) Pvt. Ltd., located at 103, Lotlikar Building, Margao-403601, Goa as an agency for a further period of three years with effect from 10th December, 2009 through publication of this notification in the Official Gazette, for inspection of Minerals and Ores (Group-I), namely, Iron Ore, Manganese Ore (excluding Manganese dioxide), Ferromanganese including Ferromanganese slag and Bauxite including Calcined Bauxite, specified in the Schedules annexed to the notifications of the Government of India, in the Ministry of Commerce and Industry, number S.O. 3975, dated the 20th December, 1965, prior to the export of the said Minerals and Ores at Goa, subject to the following conditions, namely :—

- (i) that M/s. Italab (Goa) Pvt. Ltd., Goa shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores-Group I (Inspection) Rules, 1965;
- (ii) that M/s. Italab (Goa) Pvt. Ltd., Goa in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/11/09-EI & EP]

KIRAN PURI, Director

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 3492.—केन्द्रीय सरकार, नियंत्रण (व्याकालिटी नियंत्रण और नियंत्रण) नियम, 1964 के नियम, 12 के उप-नियम (2) के साथ पठित नियंत्रण (व्याकालिटी नियंत्रण और नियंत्रण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इन्स्पेक्टरेट ग्रीफथ इंडिया प्रा. लि., चौथा तल, पी.टी.ली. चेन्नालवाराया नाइकर मालीगाई, 23, राजाजी सलाई (बीच रेलवे स्टेशन के पीछे), चेन्नई-600001 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय, की अधिसूचना सं. का.आ. 3975, तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में यथाविनिर्दिष्ट और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3978, तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में यथाविनिर्दिष्ट खनिज और अयस्क (समूह-I) अर्थात् लौह अयस्क, मैग्नीज अयस्क, (समूह-II) अर्थात् मैग्नीज डाइआक्साइड, का नियंत्रण से पूर्व निम्नलिखित शर्तों के अधीन चेन्नई में उक्त खनिजों और अयस्कों का नियंत्रण करने के लिए एक अधिकारण के रूप में मान्यता देती है, अर्थात् :—

- (i) कि मैसर्स इन्स्पेक्टरेट ग्रीफथ प्रा.लि., चेन्नई, खनिज और अयस्क समूह-I नियंत्रण (नियंत्रण) नियम, 1965 तथा

खनिज और अयस्क समूह-II नियंत्रण (नियंत्रण) नियम, 1965 के नियम 4 के अधीन नियंत्रण का प्रमाण-पत्र देने के लिए उनके द्वारा अपनाई गई नियंत्रण की पद्धति की जांच करने के लिए, इस निमित्त नियंत्रण नियंत्रण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी,

- (ii) कि मैसर्स इन्स्पेक्टरेट ग्रीफथ इंडिया प्रा.लि., चेन्नई, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में निदेशक (नियंत्रण और व्याकालिटी नियंत्रण), नियंत्रण नियंत्रण परिषद् द्वारा समय-समय पर लिखित में दिए गए निदेशों से आबद्ध होंगे।

[फा. सं. 4/10/09-ईआई एंड ईपी]

किरण पुरी, निदेशक

New Delhi, the 17th December, 2009

S.O. 3492.—In exercise of the powers conferred by the sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Inspectorate Griffith India Pvt. Ltd., 4th Floor, P.T. Lee Chengalvaraya Naicker Maaligai, 23, Rajaji Salai (Opposite Beach Railway Station), Chennai-600001, as an agency for a period of three years with effect from the date of publication of this notification, for inspection of Minerals and Ores (Group-I), namely, Iron Ore and Manganese Ore as specified in the Schedule annexed to the notification of the Government of India, Ministry of Commerce and Industry, number S.O. 3975, dated the 20th December, 1965; and ((Group-II)), namely, Manganese Dioxide, as specified in the Schedule annexed to the notification of the Government of India, in the Ministry of Commerce vide number S.O. 3978, dated the 20th December, 1965, prior to the export of the said Minerals and Ores at Chennai, subject to the following conditions, namely :—

- (i) that M/s. Inspectorate Griffith India Pvt. Ltd., Chennai shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965 and the Export of Minerals and Ores, Group-II (Inspection) Rules, 1965; and
- (ii) that M/s. Inspectorate Griffith India Pvt. Ltd., Chennai in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/10/09-EI & EP]
KIRAN PURI, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

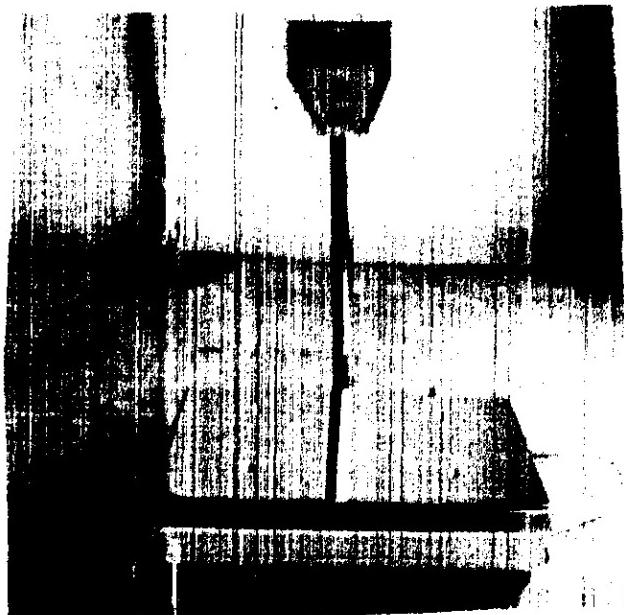
(उपभोक्ता मामले विभाग)

नई दिल्ली, 2 जुलाई, 2008

का.आ. 3493.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आरके. वेइंग सिस्टम्स, बंगलौर पेंट्स के पास, कच्चानायकांथाली, बोमासांद्रा इंडस्ट्रियल एरिया, हेनागार पोस्ट, अंकेल तालुका, बंगलौर-562 106 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस टी डी-टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “आर के” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/562 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

टेबलटाप तोलन उपकरण के दो अलग स्थानों पर दो छेद किए जायेंगे, उनमें एक तल पर होगा और दूसरा तोलन उपकरण के आउटर कवर पर होगा जिससे स्टेम्प व सील का सत्यापन प्राप्त किया जा सकेगा। उपकरण की सील को तोड़े बिना अथवा छेड़छाड़ बिना खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनियोगता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या क्रहणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (274)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTIION

(Department of Consumer Affairs)

New Delhi, the 2nd July, 2008

S.O. 3493.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "STD-T" series of medium accuracy (accuracy class-III) and with brand name "R K" (herein referred to as the said model), manufactured by M/s. "R. K. Weighing Systems, Near Bangalore Paints, Kachanayakanahalli, Bommasandra Indl. Area, Hennagara Post, Anekal Taluk, Bangalore-562 106 and which is assigned the approval mark IND/09/07/562;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

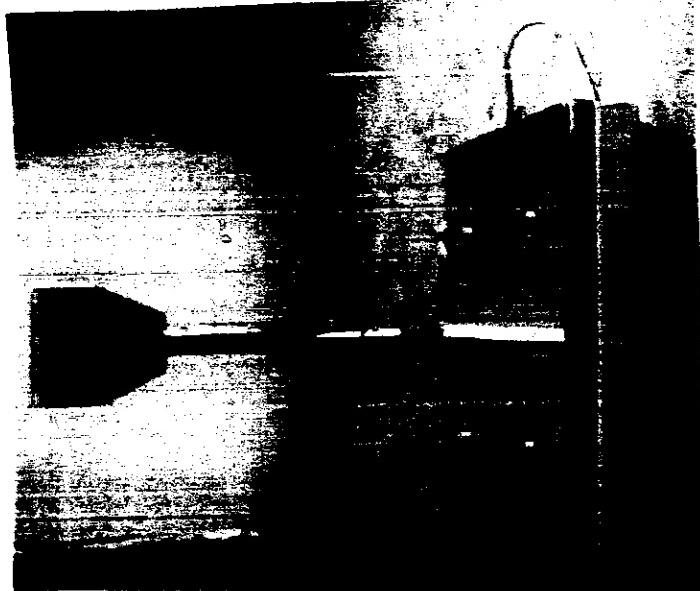


Figure-2 Sealing arrangement

At the side of the tabletop weighing scale at two different places two holes are made, one on the bottom and the other at the outer cover of the weighing scale for receiving the verification of stamp and seal. The balance cannot be open until the seal is broken or tampered. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (274)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 3494.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स आर.के. वेइंग सिस्टम्स, बंगलौर पेंट्स के पास, कचानायकांथाली, मोबासांद्रा इंडस्ट्रियल एरिया, हेनापार पोस्ट, अंकले तालुका, बंगलौर-562 106 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस टी डी-पी” शृंखला के स्वतः सूचक, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “आर के” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/563 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम।

सूचक के दो अलग स्थानों पर इसके पीछे की ओर कवर पर किए गए छेदों के जरिए लीड तार को डालते हुए सील किया जायेगा। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए $500 \text{ से } 10,000$ तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (274)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. No. 3494.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Plateform type) weighing instrument with digital indication of "STD-P" series of medium accuracy (Accuracy class-III), and with brand name "R K" (herein referred to as the said Model), manufactured by M/s. "R. K. Weighing Systems, Near Bangalore Paints, Kachanayakanahalli, Bommasandra Indl. Area, Hennagara Post, Anekal Taluk, Bangalore-562 106 and which is assigned the approval mark IND/09/07/563.

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and maximum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

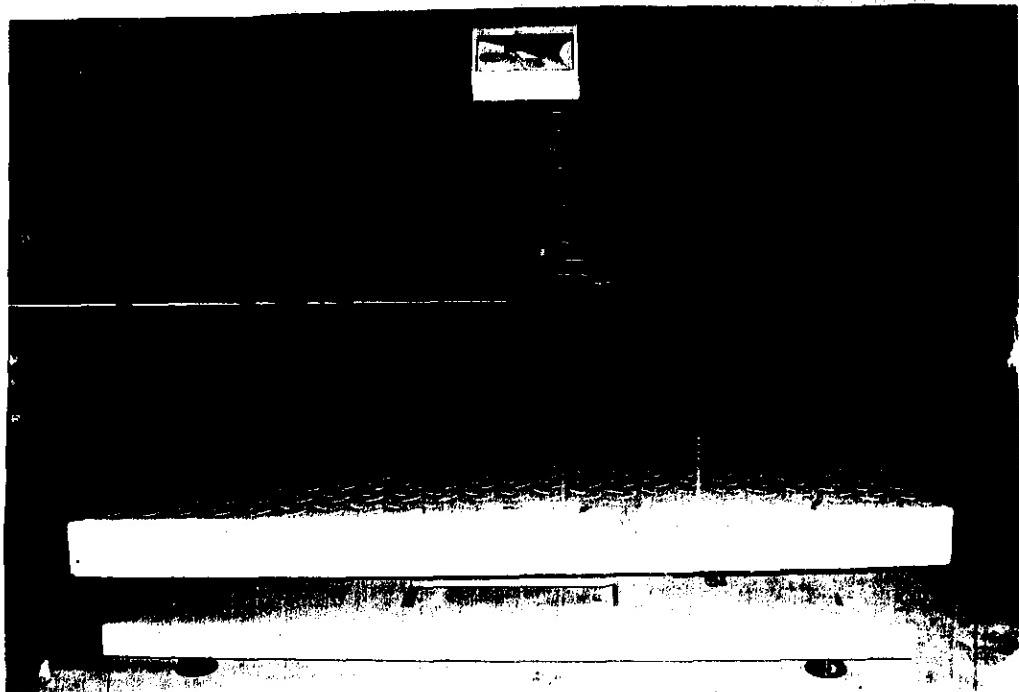


Figure-2 Sealing arrangement.

Sealing is done at two different places by passing the lead wire through holes made on the cover at the rear side of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

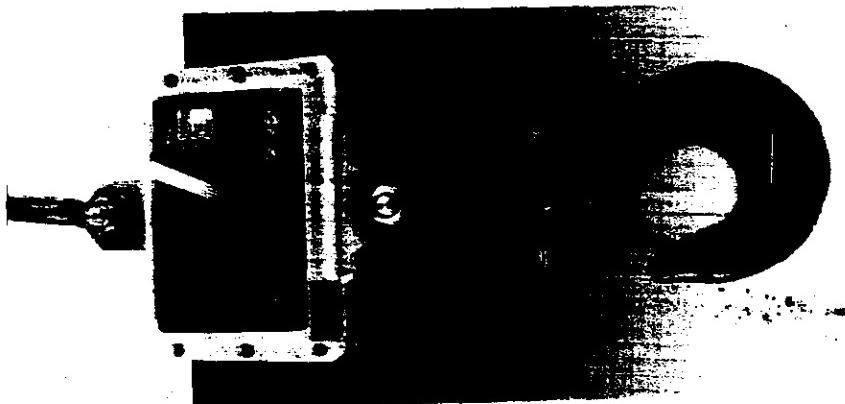
[F. No. WM-21 (274)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 अगस्त, 2009

का.आ. 3495.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स केलिब्रेड इंडिया, 233, शास्त्री मार्केट, दूसरा तल, इंदौर-452001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III)वाले “टीसी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम “टुका व्हे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/452 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम।

उपकरण के इंडीकेटर की तल प्लेट और शीर्ष कवर में छेद करके, इनमें से सील वायर निकाल कर लीड सील द्वारा सील की जा सकती है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुती योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (161)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

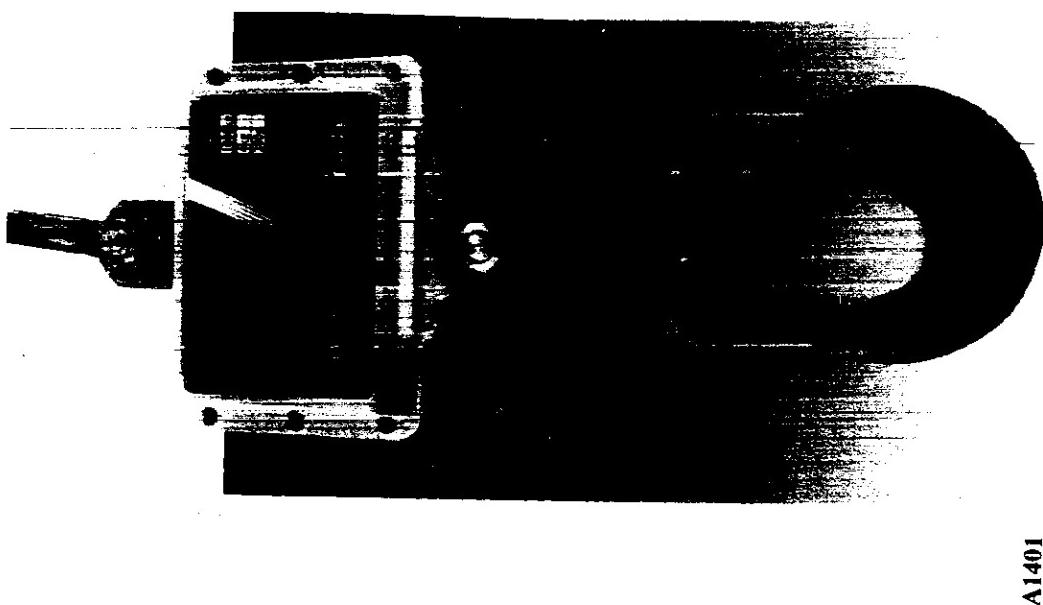
New Delhi, the 26th August, 2009

S.O. 3495.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Crane Type) with digital indication of medium accuracy (Accuracy class III) of series "TC" and with brand name "TUKA WEIGH" (hereinafter referred to as the said Model), manufactured by M/s. Calibrate India, 233, Shastri Market, 2nd Floor, Indore-452001, M.P. and which is assigned the approval mark IND/09/08/452.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 1000kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

Figure-1 Model



A1401

Figure-2 Sealing arrangement.

Sealing can be done by making holes in the base plate and top cover of the indicator of the instrument, then a seal wire is passed through these holes and a lead seal is applied. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

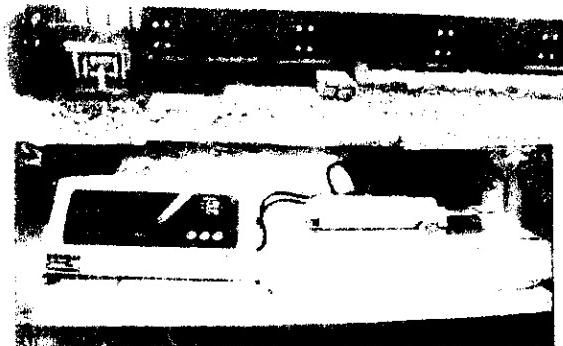
[F. No. WM-21 (161)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 अगस्त, 2009

का.आ. 3496.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स केलिब्रेट इंडिया, 233, शास्त्री मार्केट, दूसरा तल, इंदौर-452001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग- III)वाले “टी डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “टुका व्हे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/453 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण(वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

उपकरण के इंटीकेटर की तल प्लेट और शीर्ष कवर में छेद करके, इनमें से सील वायर निकाल कर लीड सील द्वारा सील की जा सकती है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (161)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th August, 2009

S.O. 3496.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "TW" and with brand name "TUKA WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Calibrate India, 233, Shastri Market, 2nd Floor, Indore-452001, M.P. and which is assigned the approval mark IND/09/08/453.

The said model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

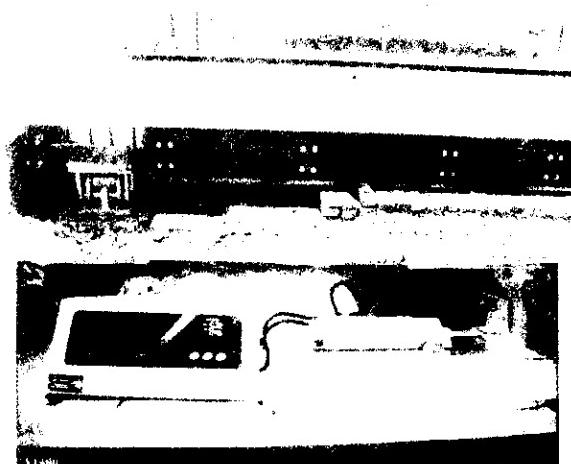


Figure-2 Sealing arrangement.

Sealing can be done by making holes in the base plate and top cover of the indicator of the instrument, then a seal wire is passed through these holes and a lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

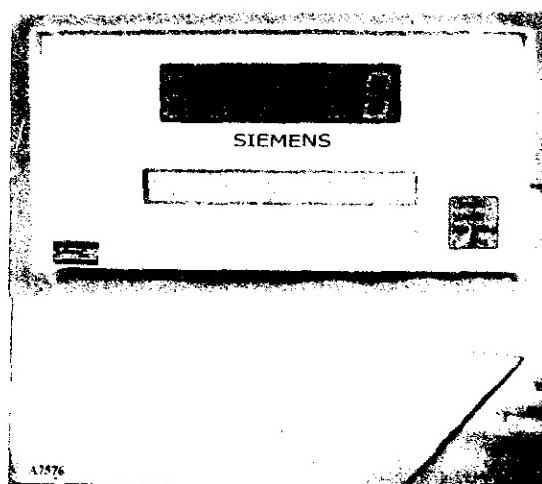
[F. No. WM-21 (161)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3497.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स सिद्देश सेल्ज एंड सर्विसिज, 644, बुआर्ड लेन, इलेक्ट्रोनिक मार्किट, सीताबुल्दी, नागपुर-440012 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसडब्ल्यूसी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेंट्रिज) के मॉडल का, जिसके ब्रांड का नाम “सिमेन्स” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/40। समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (इलेक्ट्रोनिक वेंट्रिज) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

स्केल के टॉप कवर और बेस प्लेट के छेरों में से सीलिंग बायर निकाल कर सीलिंग की जाती है। ब्रेंडिंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (208)/2009]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3497.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the power conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (Accuracy class-III) of series "SWC" and with brand name "SIEMENS" (hereinafter referred to as the said model), manufactured by M/s. Siddesh Sales and Services, 644, Buard Lane, Electronic Market, Sitabuldi, Nagpur-440012 and which is assigned the approval mark IND/09/09/401.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

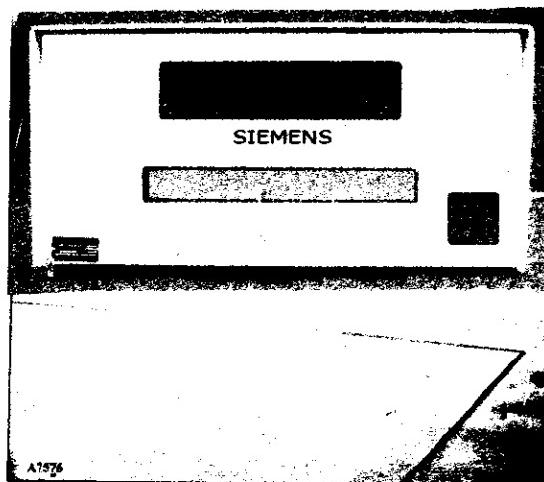


Fig. 3—Sealing provision of the indicator of the model

The sealing is done through the hole made in top cover and base plate of the scale, than sealing wire is passed through these holes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 100tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5g. or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (208)/2009]

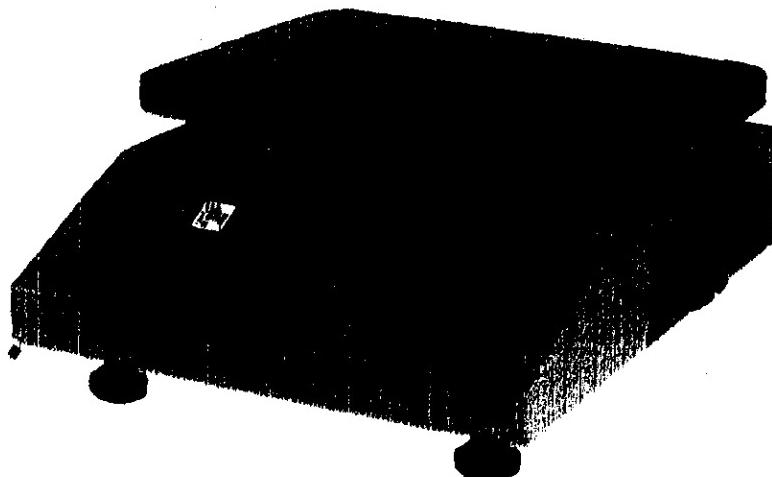
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3498.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नीरज इंजीनियरिंग, जी-49, घाट काम्पलैक्स, भदगांव रोड, डाकघर चालिसगांव, जिला जलगांव (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसपीटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाइप) के मॉडल का, जिसके ब्रांड का नाम “स्पाइस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/409 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाइप टाइप) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



A8033

आकृति-2 सीलिंग प्रावधान

वेझ़ा मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए स्टाम्पिंग प्लेट को स्केल की बाढ़ी में से सीलिंग वायर निकाल लीड सील से जोड़ा गया है। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो । मि. ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि. ग्रा. से या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या क्रहणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (229)/2009]

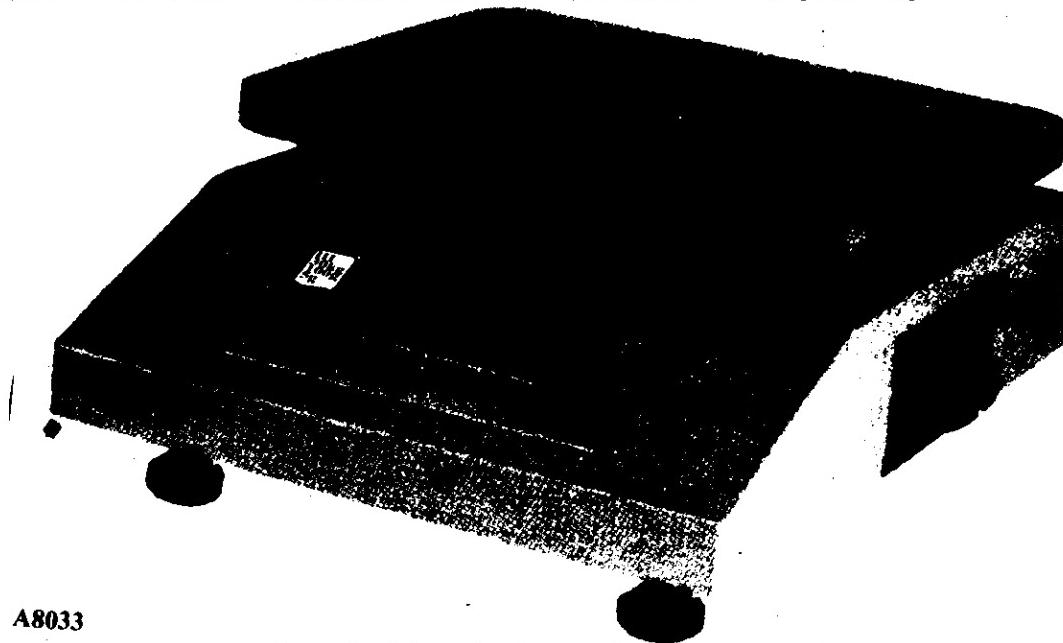
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3498.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SPT" and with brand name "SPICE" (hereinafter referred to as the said model), manufactured by M/s. Niraj Engineering G-49, Ghate Complex, Bhadgaon Road, At post, Chalisgaon, Dist, Jalgaon (Mah) which is assigned the which is assigned the approval mark IND/09/09/409.

The said model is a strain gauge type load cell based non-automatic weighing instrument ("Tabletop type") with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LCD) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



A8033

Figure-2—Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of scale and hole provided at the special screw with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21 (229)/2009]

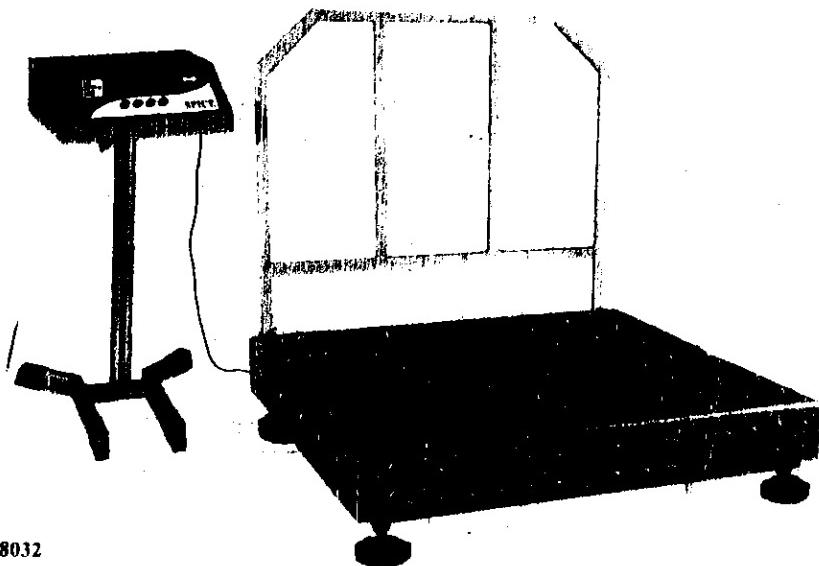
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3499.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स नीरज इंजीनियरिंग, जी-49, घाट काम्पलैक्स, भदगांव रोड, डाकघर चालिसगांव, जिला जलगांव (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “स्पाइस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/410 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्याकर्त्ता धारा विद्युत प्रदाय पर कार्य करता है।



वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए स्टाम्पिंग प्लेट को स्केल की बाढ़ी में से सीलिंग वायर निकाल लीड सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक याऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (229)/2009]

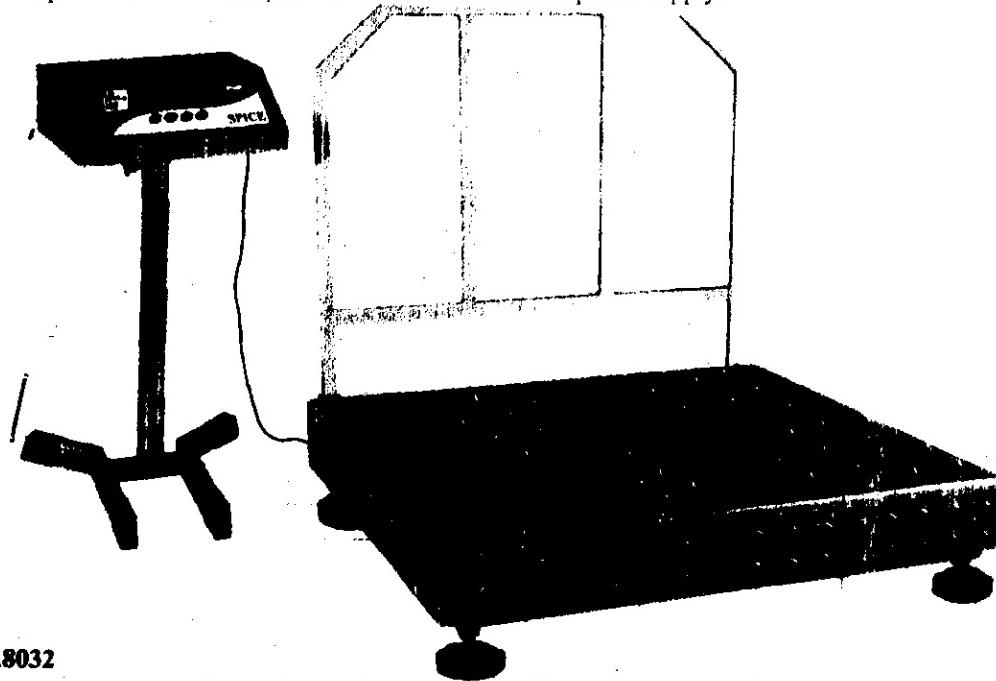
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3499.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "SPF" and with brand name "SPICE" (hereinafter referred to as the said Model), Manufactured by M/s. Niraj Engineering G-49, Ghate Complex, Bhadgaon Road, At post, Chalisgaon, Dist., Jalgaon (Mah) and which is assigned the which is assigned the approval mark IND/09/09/410.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum capacity of 500kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



A8032

Figure-2—Sealing provision of the indicator of model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. upto 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (229)/2009]

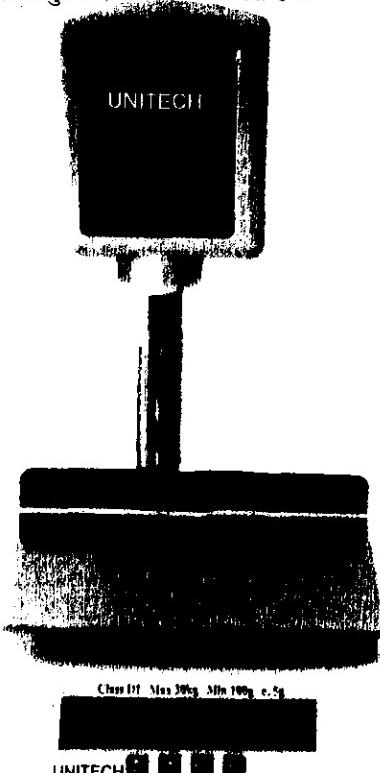
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3500.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स तनिष्क इलैक्ट्रॉनिक्स, 1289, मनमावन नगर, इंदौर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “यूएनआईटीटी-30” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “यूनिटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/298 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) अंकक सूचन सहित है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन की स्टार्मिंग प्लेट और टॉप प्लेट, बाटम प्लेट, साइड कवर के छेदों में से लीड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का एक सिस्टेमेटिक डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (144)/2009]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3500.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (accuracy class-III) of Series "UNITT-30" and with brand name "UNITECH" (hereinafter referred to as the said model), manufactured by M/s. Tanishk Electronics, 1289, Manbhavan Nagar, Indore, Madhya Pradesh and which is assigned the approval mark IND/09/09/298.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with digital indication of maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

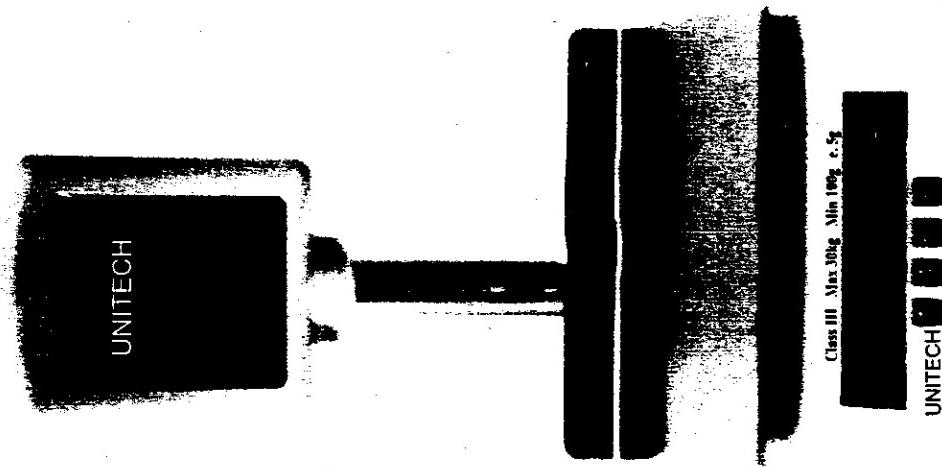


Figure-2—Sealing arrangement

The sealing is done by passing a leaded wire through the holes at side covers, bottom plate, top plate and stamping plate of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 100mg. or more and with '*e*' value 1×10^k , 2×10^k or 5×10^k , *k* being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (144)/2009]

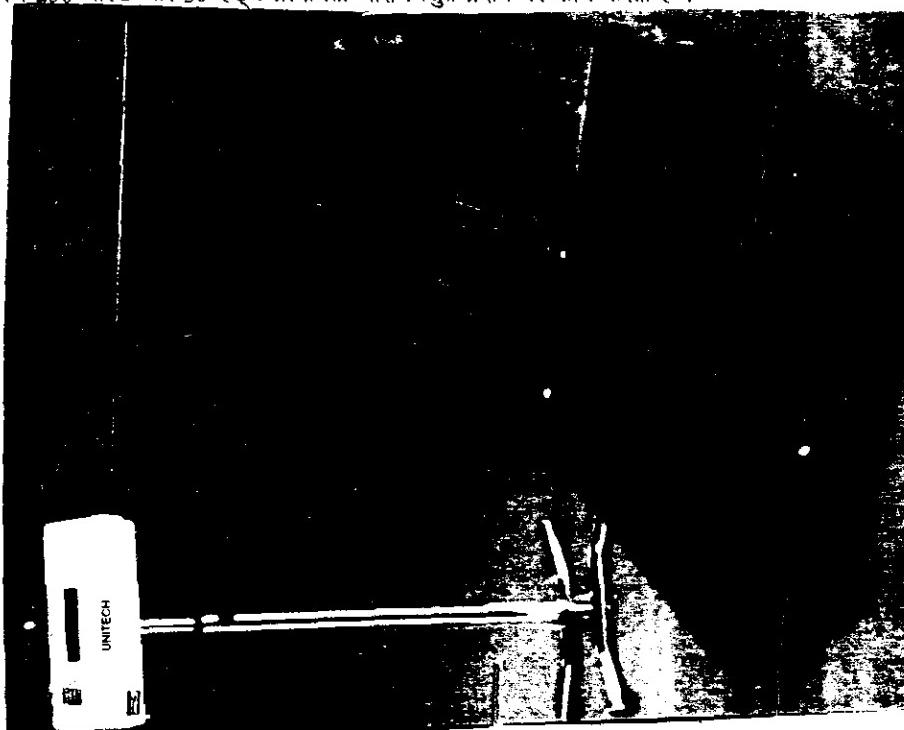
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3501.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स तनिष्क इलैक्ट्रॉनिक्स, 1289, मनभावन नगर, इंदौर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “यूएनआईपीएफ-500” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “यूनिटैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/299 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। अंकक सूचन सहित है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन की स्टाम्पिंग प्लेट और टॉप प्लेट, बाट्टम प्लेट, साइड कवर के छेदों में से लीड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का एक सिस्टेमेटिक डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (144)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3501.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Plateform type) with digital indication of medium accuracy (accuracy class-III) of series "UNIPF-500" and with brand name "UNITECH" (hereinafter referred to as the said model), manufactured by M/s. Tanishk Electronics, 1289, Manbhavan Nagar, Indore, Madhya Pradesh and which is assigned the approval mark IND/09/09/299.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Plateform type) with digital indication of maximum capacity of 500kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

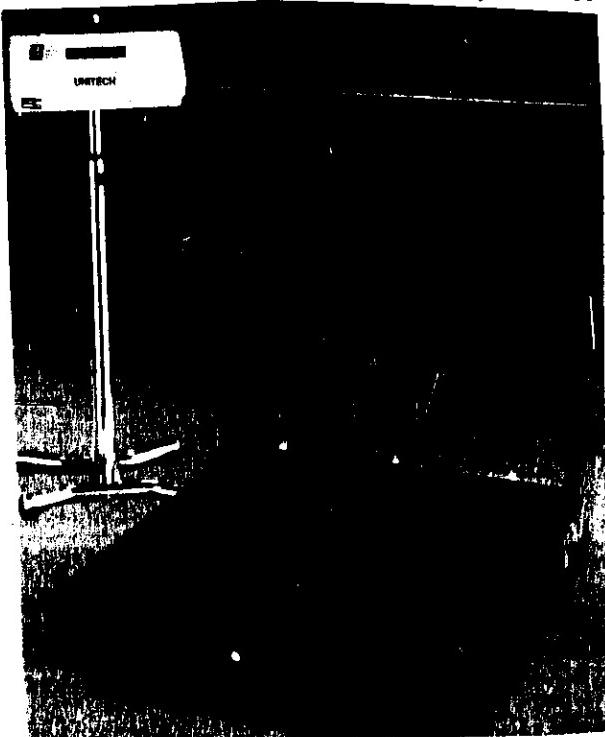


Figure-2—Sealing arrangement

The sealing is done by passing a leaded wire through the holes at side covers, bottom plate, top plate and stamping plate of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (144)/2009]

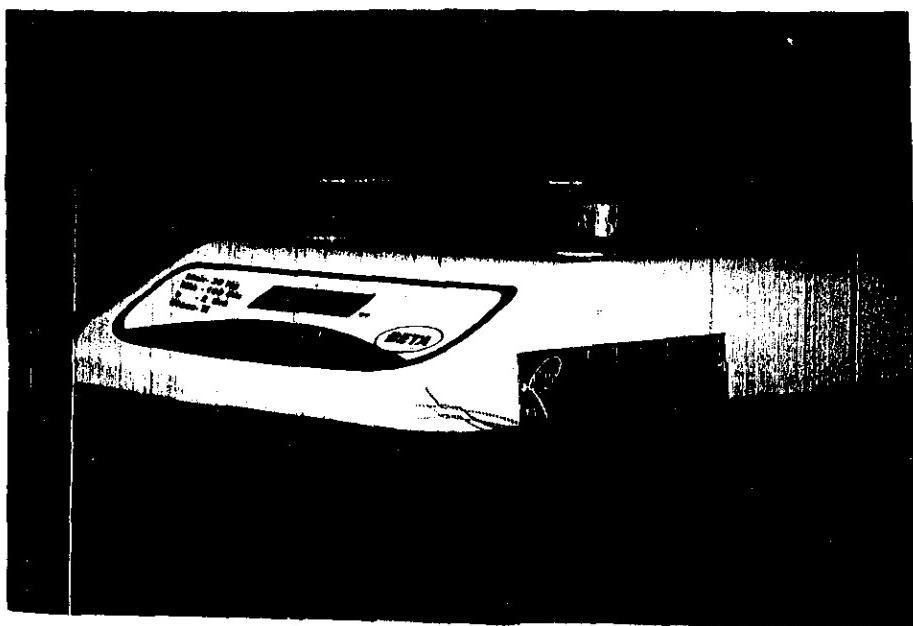
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3502.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स बीटा इंजीनियरिंग वर्क्स, ब्लाक नं. 1060, नियर गोपाल वेंकिज, छत्रालकाडी रोड, छत्राल, तालुका-कालोल जिला गांधीनगर (गुजरात) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “बीई-30 कि.ग्रा.” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीटा” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/354 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



कपटपूर्ण व्यवहारों से बचने कि लिए स्टाम्पिंग प्लेट पर सीलिंग प्वाइंट लगाया गया है। स्केल के बाटम और टॉप कवर में बनाए गए दो छेदों में सीलिंग वायर निकाल कर सीलिंग की जाती है। सील से छेड़छाड़ किए बिना उपकरण को खोला नहीं जा सकता। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (200)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3502.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "BE-30kg" and with brand name "BETA" (hereinafter referred to as the said model), manufactured by M/s. Beta Engineering Works, Block No. 1060, Nr Gopal Way Bridge, Chatral-Kadi Road, Chatral, Taluk : Kalol Dist. Gandhinagar (Gujarat) which is assigned the approval mark IND/09/09/354;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure-2—Schematic diagram of sealing provision of the model

Sealing point is affixed on the stamping plate to avoid the fraudulent uses. Sealing is done through the hole, made in the bottom plate and top cover of the scale, then sealing wire is passed through these two holes. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval(n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 500 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (200)/2009]

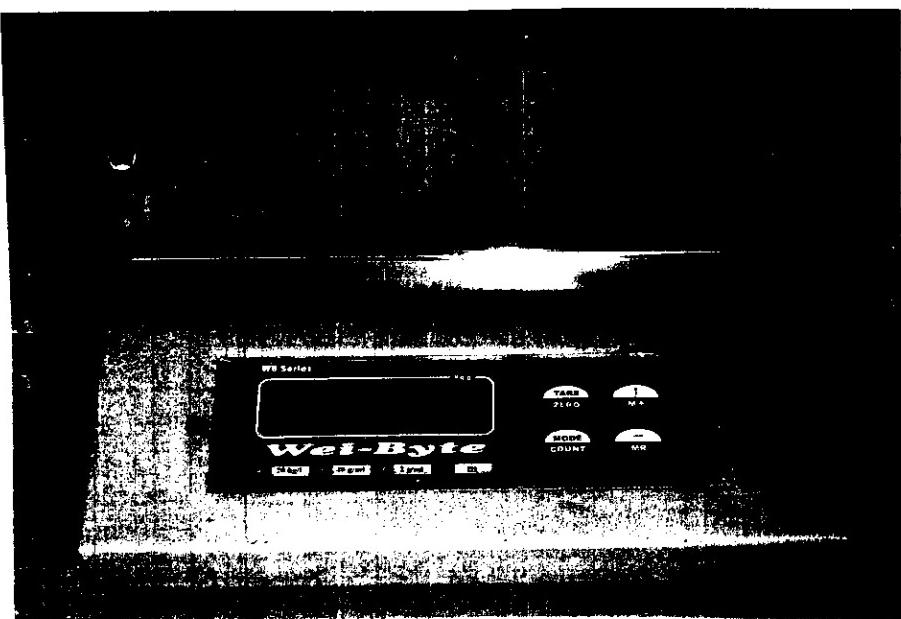
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3503.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वे-बाइट माइक्रोसॉफ्ट सिस्टम, 1, सिद्धीराज काम्पलैक्स, प्रथम तल, होमोपेथिक कालेज के पास, भोपाल-घुमा रोड, घुमा, अहमदाबाद-380058 (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूबी-3002” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप किलोग्राम को लिटर में बदलने की सुविधा सहित) के मॉडल का, जिसके ब्रांड का नाम “वे-बाइट” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/268 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

स्टाम्प और सीलिंग के सत्यापन के लिए वेइंग स्केल के दायीं तरफ आउटर कवर और तल प्लेट में काट कर दो छेद किए गए हैं और इन दोनों छेदों को लीड वायर से कसा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (142)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3503.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type with kilogram to litre conversion facility) with digital indication of medium accuracy (accuracy class-III) of series-WB-3002 and with brand name "WEI-BYTE" (hereinafter referred to as the said Model), manufactured by M/s. Wei-byte Micro System, 1, Siddhiraj Complex, 1st Floor, Nr. Homeopathic College, Bopal-Ghuma Road, Ghuma, Ahmedabad-380 058 (Gujarat) and which is assigned the approval mark IND/09/09/268.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with digital indication of maximum capacity of 20kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



Figure-2—Schematic diagram of sealing provision of the model

From right side of the weighing scale two holes are made by cutting the outer cover and bottom plate and fastened by a leaded wire through these two holes for receiving the verification stamp and seal. The weighing scale cannot open without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg, and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(142)/2009]

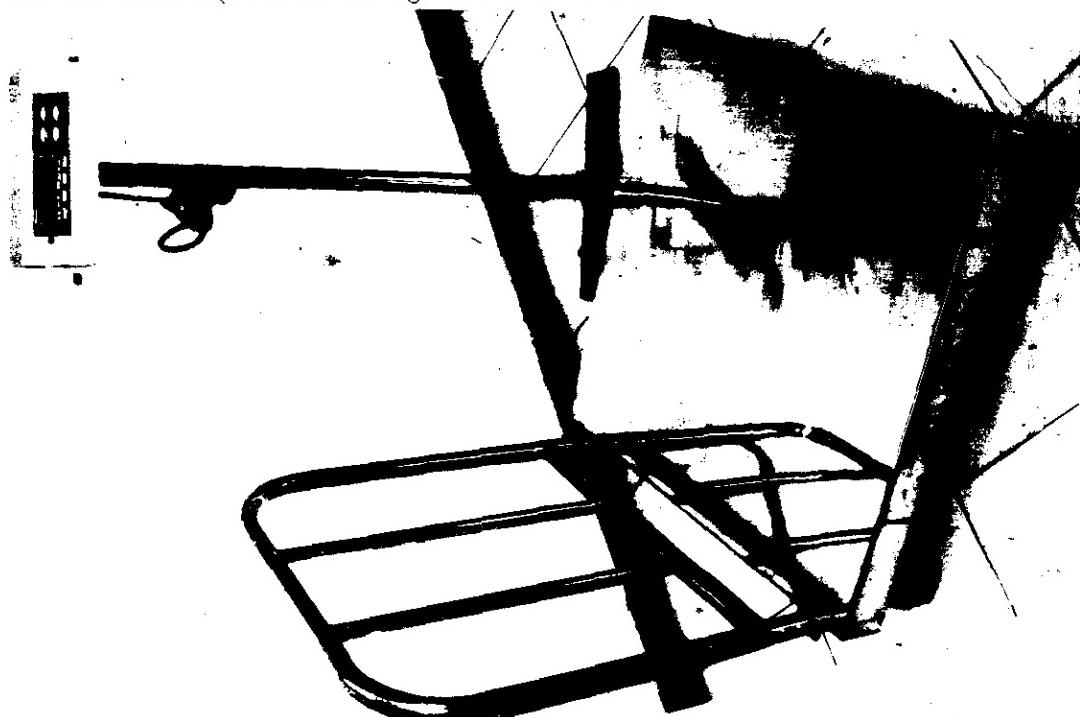
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3504.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बे-बाइट माइक्रोसॉफ्ट सिस्टम, 1, सिद्धीराज काम्पलैक्स, प्रथम तल, होमोपेथिक कालेज के पास, भोपाल-घुमा, रोड, घुमा अहमदाबाद-380058 (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूबी-3001” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप किलोग्राम को लिटर में बदलने की सुविधा सहित) के मॉडल का, जिसके ब्रांड का नाम “बे-बाइट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/269 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



उपकरण की बाड़ी पर दिए गए छेदों में से लीड और सील तार डालकर सीलिंग की जा सकती है। उपकरण को सील से छेड़ा जा सकता है। बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में कलिब्रेशन के लिए बाहरी पहुंच है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा.से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (142)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3504.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures, (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type with kilogram to litre conversion facility) with digital indication of medium accuracy (accuracy class-III) of series "WB-3001" and with brand name "WEI-BYTE" (hereinafter referred to as the said Model), manufactured by M/s. Wei-byte Micro System, 1, Siddhiraj Complex, 1st Floor, Nr. Homeopathic College, Bopal-Ghuma Road, Ghuma, Ahmedabad-380058 (Gujarat) and which is assigned the approval mark IND/09/09/269.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum capacity of 500kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The weighing scale can not open without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50kg, and up to 5000kg, and with number of verification scale interval(n) in the range of 500 to 10,000 for ' e ' value of 5g, or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

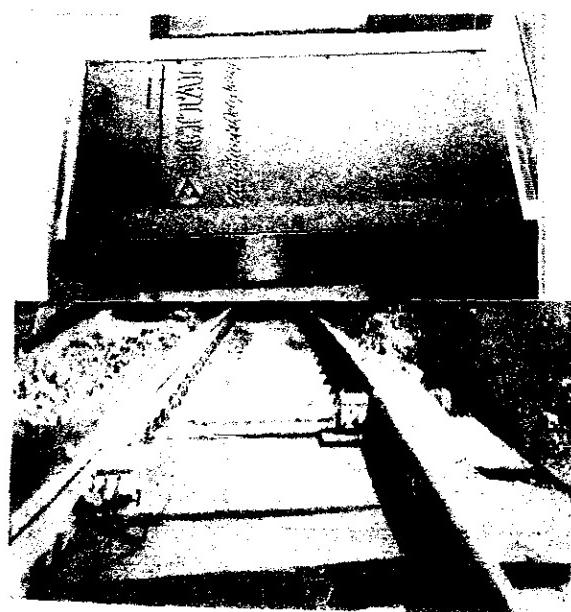
[F. No. WM-21 (142)/2009]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3505.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स डिजीटल वेइंग सिस्टम्स प्रा. लि., प्लाट नं. पी । बी एंड सी, पी-2 इंडस्ट्रियल एरिया, तिफरा, बिलासपुर-495223 छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता वर्ग 1 वाले “एमडब्ल्यू-2100” शृंखला के अंकक सूचन सहित स्वचालित रेल वेब्रिज (इन-मोशन टाइप) के मॉडल का, जिसके ब्रांड का नाम “डिजीटल” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/385 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित रेल वेब्रिज (इन-मोशन प्रकार) है। इसकी अधिकतम क्षमता 120 टन है और न्यूनतम क्षमता 2 टन है। सत्यापन मापमान अंतराल (ई) 100 कि.ग्रा. है। उपकरण के लिए स्पीड लिमिट 0 से 15 कि.मी./घंटा है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर के सापने और पीछे बनाए गए छेदों के माध्यम से सीलिंग की जाती है, इन छेदों के माध्यम से एक सीलिंग तार ले जाया जाता है और लीड सील लगाई जाती है। सील से छेड़छाड़ किए बिना इंडीकेटर खोला नहीं जा सकता। मॉडल की सीलिंग व्यवस्था का एक विशिष्ट स्कीम आधारित डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (109)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3505.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of 'Automatic Rail Weighbridge' (In-motion type) with digital indication of "MW 2100" series of accuracy class-I and with brand name "DIGITAL" (herein referred to as the said Model), manufactured by M/s. Digital Weighing Systems Pvt., Ltd., Plot No. P 1 B & C, P-2 Industrial Area, Tifra, Bilaspur-495223, C. G. and which is assigned the approval mark IND/09/08/385;

The said model is a strain gauge type load cell based automatic rail weighbridge (In-motion type) with a maximum capacity of 120tonne and minimum capacity of 2 tonne. The verification scale interval (e) is 100 kg. The speed limit for the instrument is 0 to 15 km/h. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 220 to 230 V, 50 Hz alternative current power supply.



Figure-2 Sealing Diagram

Sealing is done through the holes made on the front and back of the indicator by passing a sealing wire through these holes and lead seal is applied. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 5 tonne to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (109)/2007]

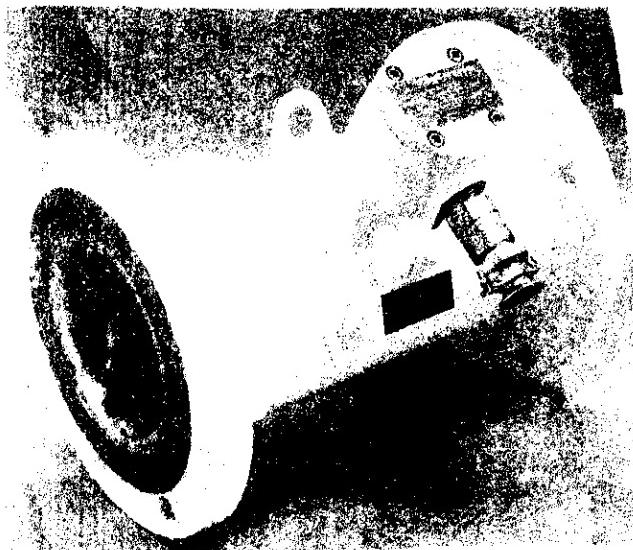
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 3506.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः; अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स कॉम्पैजनी डेस कम्प्यूटर्स डचलैंड गेम्ब एच, हीदलबर्ग, जर्मनी द्वारा विनिर्मित और मैसर्स डेनियल मेजरमेंट एंड कंट्रोल इंडिया प्रा.लि., प्लाट नं. 229-230, जीआईडीसी, मरकरपुरा, बड़ोदरा-390010, गुजरात द्वारा भारत में विपणीत "टी जेड एन 250" शृंखला के लिकिवड टरबाइन फ्लो भीटर है जो "पानी के अलावा अन्य द्रव्यों हेतु मापन सिस्टम" का एक भाग है, के मॉडल का, जिसके ब्रांड का नाम "फेर हरमन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/378 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल लिकिवड टरबाइन फ्लो भीटर है जो "पानी के अलावा अन्य द्रव्यों हेतु मापन सिस्टम का एक भाग है, इसका प्रयोग थीन-बॉडीड मिनरल ऑयल मापन के लिए किया जाता है, इसकी चौड़ाई 2 मि.मी. है। इसकी अधिकतम फ्लो दर 3000 1/मिनट से 30,000 1/मिनट तक है और इम्प्लस वैल्यू 1/इम्प्लस है। इसका परिचालन तापमान +10°सें 0 से +40°सें 0 के बीच होता है।



आकृति -2 मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्टॉपिंग एलेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के दूसरे चौड़े आकार के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू एम-21 (243)/2007]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th November, 2009

S.O. 3506.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of Liquid Turbine Flow Meter which is part of the "Measuring System for liquids other than water" of serice "TZN 250" and brand 'Faure Herman' (hereinafter referred to as the model), manufactured by M/s. Compagnie des Compteurs Deutschland GmbH, Heidelberg, Germany and marketed in India by M/s Daniel Measurement & Control India Pvt. Limited, Plot No. 229-300, GIDC, Markarpura, Vadodara-390010, Gujarat and which is assigned the approval mark IND/09/08/378.

The said model is a Liquid Turbine Flow Meter which is part of the "Measuring System for liquids other than water" used for measurement of thin-bodied mineral oils and its width is 250mm. Its maximum flow rate range is from 3000 l/min to 30,000 l/min and impulse value is 5 l/impulse. The operating temperature range is from +10°C to +40°C.

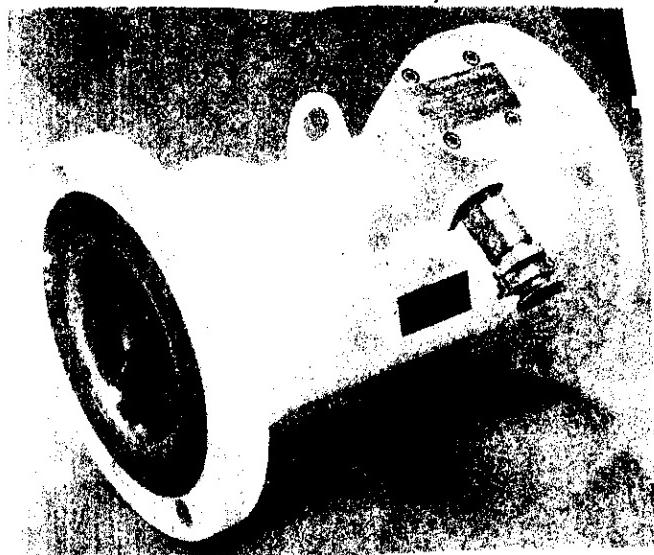


Figure-2 Schematic arrangement of sealing arrangement

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. A typical schematic, diagram of the sealing arrangement of the model has been given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make,accuracy and performance of same series of other width sizes manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (243)/2007]

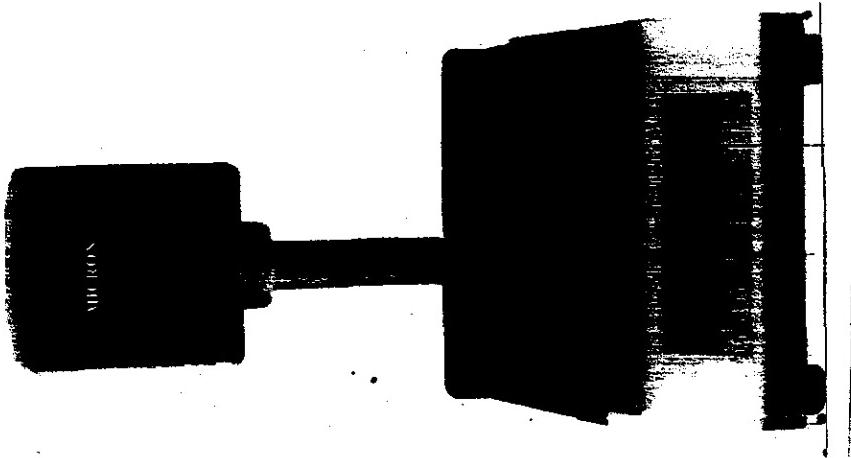
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 27 नवम्बर, 2009

का.आ. 3507.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स माइक्रोन इंस्ट्रुमेंटेशन, हाउस नं. 126, न्यू अन्नपूर्णा काम्पलेक्स, पोस्ट करीमनगर-505001 द्वारा विनिर्मित मध्यम (यथार्थता वर्ग III) वाले “एमआईटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “माइक्रोन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/441 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) सहित है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाया पर कार्य करता है।



आकृति -2 मॉडल का सीलिंग डायग्राम

इंडीकेटर के आगे और पीछे के छेद में से सीलिंग वायर निकाला गया है और सील किया की गई है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 5×10^4 , 2×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य में समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (238)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th November, 2009

S.O. 3507.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MIT" series of Medium accuracy (accuracy class-III) and with brand name "MICRON" (hereinafter referred to as the said model), manufactured by M/s. Micron Instrumentation, House No. 126, New Annapurna Complex, Post Karimnagar, 505001, and which is assigned the approval mark IND/09/09/441;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The Instruments operates on 230V, 50Hz. alternative current power supply.

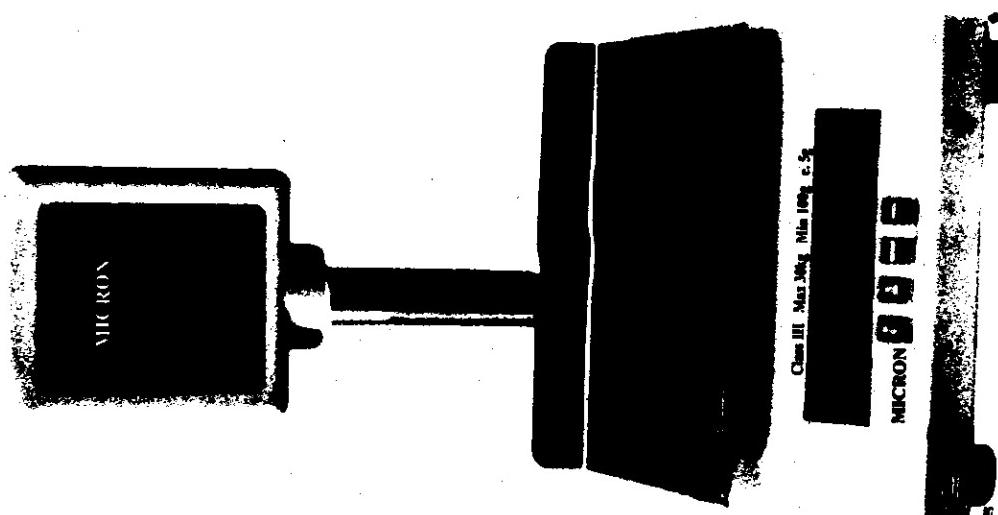


Figure-2 Schematic diagram of sealing arrangement of model

The sealing wire is passed through hole in the front and rear and sealed.

The instrument has external control to calibration. A dip switch has been provided inside indicator to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with the number of verification scale interval(n) in the range of 100 to 10,000 for ' e ' value of 1 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (238)/2009]

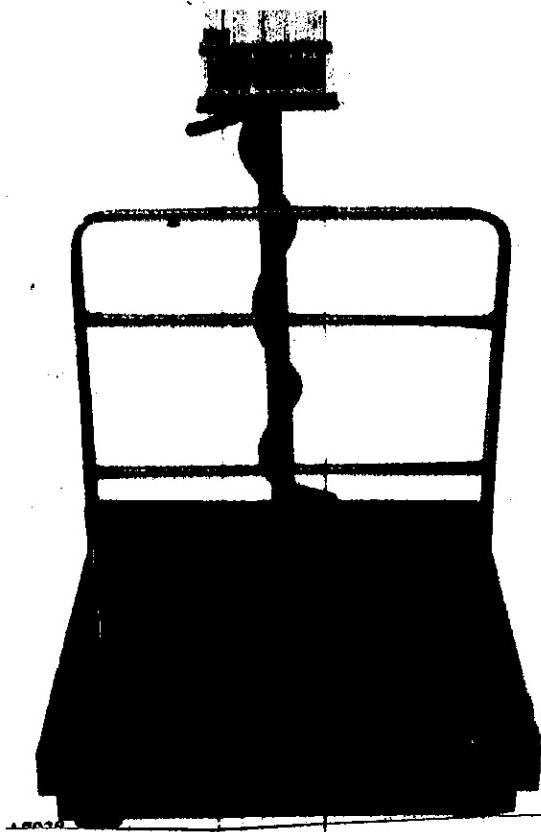
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 27 नवम्बर, 2009

का.आ. 3508.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स माइक्रोन इंस्ट्रूमेंटेशन, हाउस नं. 126, न्यू अन्नपूर्णा काम्पलेक्स, पोस्ट करीमनगर-505 001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग III) वाले “एमआईपी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “माइक्रोन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/442 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल का सीलिंग डायग्राम

इंडीकेटर के आगे और पीछे के छेद में से सीलिंग वायर निकाला गया है और सील किया गया है। उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k , 5×10^k के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य में समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (238)/2009]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th November, 2009

S.O. 3508.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Plat form type) with digital indication of "MIT" series of medium accuracy(accuracy class-III) and with brand name "MICRON" (hereinafter referred to as the said model), manufactured by M/s. Micron Instrumentation, House No. 126, New Annapurna Complex, Post Karimnagar-505 001, and which is assigned the approval mark IND/09/09/442.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Plat form type) with a maximum capacity of 500 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

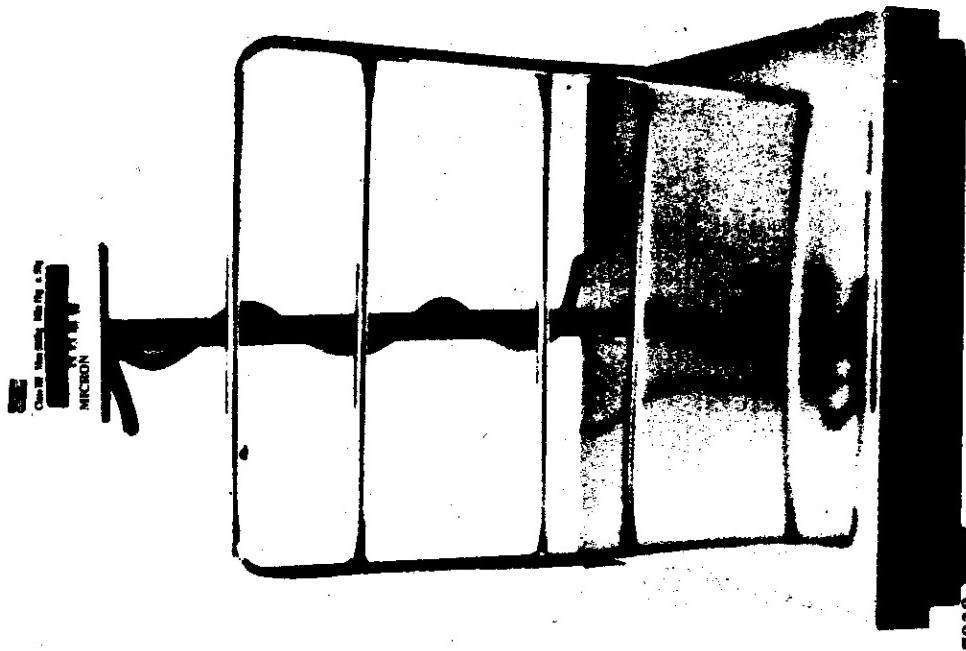


Figure-2 Schematic diagram of sealing arrangement of model

The sealing wire is passed through hole in the front and rear of the indicator and sealed. The instrument has external control to calibration. A dip switch has been provided inside indicator to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and upto 5000 kg. and with the number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5 g. more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacture in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (238)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 10 दिसम्बर, 2009

का. आ. 3509.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स विश्वकर्मा स्कॉल्स प्रा.लि. 166ए नेहरू नगर, पोस्ट बाक्स-31, रूड़की, जिला हरिद्वार (उत्तराखण्ड) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग (III) वाले “चीआईडीपीएस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “विश्वकर्मा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/27 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 400.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धरित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



कपटपूर्ण व्यवहारों को रोकने के लिए, स्टाम्पिंग प्लेट पर लीड सील लगाई जाती है जो सक्रिट को सुरक्षा और मैकेनिकल असेम्बली के लिए इंडिकेटर के पिछली तरफ से जुड़ा हुआ है। उपकरण के बाढ़ी पर दिए गए छेदों के जरिए लीड और सील तार लगाकर सीलिंग की जाती है। उपकरण को सील के छेड़छाड़ किए बिना नहीं खोला जा सकता।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड के डिप स्विच भी दिया गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य में समतुल्य हैं।

[फा. सं. डब्ल्यू. एम-21 (15)/2009]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi; the 10th December, 2009

S.O. 3509.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "VIDPS" and with brand name "VISHWAKARMA" (hereinafter referred to as the said model), manufactured by M/s Vishwakarma Scales Private Limited, 166, Nehru Nagar, Post Box-31, Roorkee, Distt-Haridwar(Uttarakhand) and which is assigned the approval mark IND/09/09/27.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200 kg. and minimum capacity of 400 g. The verification scale interval (*e*) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instruments operates on 230Volts, 50Hertz, alternative current power supply.

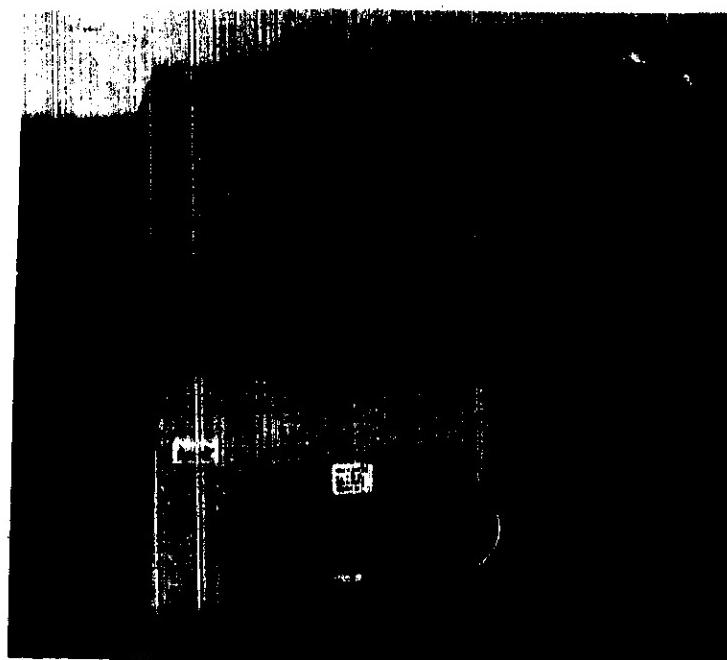


Figure-2 Sealing provision of the indicator of model

Lead seal is affixed on the stamping plate which is attached in the back side of the indicator for the security of circuit and mechanical assembly to avoid fraudulent use. Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The instrument can not be opened without tampering the seal.

The instrument has external access to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000 kg. with there verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (15)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 3510.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स कांटावाला इंकिमेंट्स, एच नं. 108/6, भगत सिंह कालोनी, ए-2 ब्लाक, वेस्ट सेंट नगर, बुराड़ी, दिल्ली-110084 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “केट” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “जीएमआई-आईएनडी” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/588 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100.ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्डर्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

कपटपूर्ण व्यवहार को रोकने के लिए स्टार्मिंग स्लेट पर सर्किट की सुरक्षा और मैकेनिकल असेम्बली के लिए लीड सील लगाई जाती है। उपकरण की बाढ़ी पर दिए गए छेदों के जरिए लीड और सील तार लगाकर सीलिंग की जाती है। सील से छेड़छाड़ किए बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य में समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (228)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th December, 2009

S.O. 3510.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "KET" and with brand name "GMI-IND" (hereinafter referred to as the said model), manufactured by M/s. Kantawalla Equipments, H. No. 108/6, Bhagat Colony, A-2 Block, West Sant Nagar, Burari, Delhi-110084 which is assigned the approval mark IND/09/08/588.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz. alternative current power supply.



Figure-2 Schematic diagram of sealing provision of the model.

Lead seal is affixed on the stamping plate for the security of circuit and mechanical assembly to avoid fraudulent use. Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for ' e ' value of 1 mg. to 50mg. and with verification scale interval(n) in the range of 5,000 to 50,000 for ' e ' value of 100 mg. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2008]

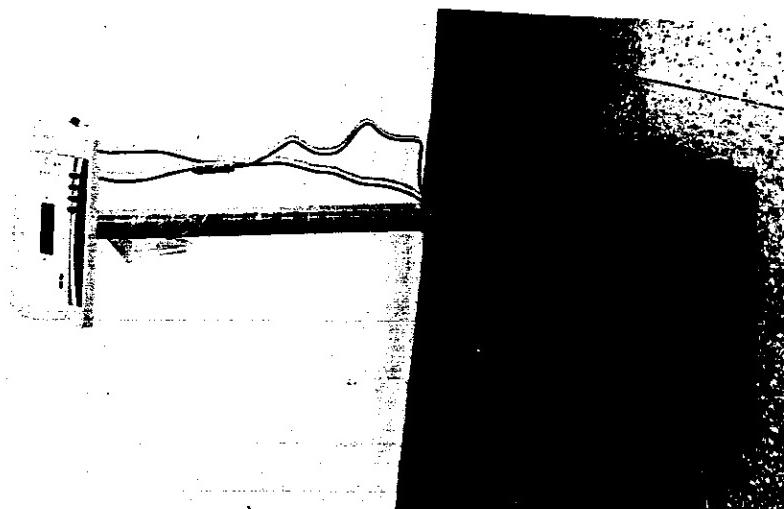
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 3511.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स कांटावाला इंकिप्मेंट्स, एच नं. 108/6, भगत सिंह कालोनी, ए-2 ब्लॉक, वेस्ट संत नगर, बुराड़ी, दिल्ली-110 084 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “कोईपी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “जीएमआई-आईएनडी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/589 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर के दाईं तरफ से उपरी कवर और निचली प्लेट को काटकर दो छेद किए गए हैं और सत्यापन स्टाप्प और सील प्राप्त करने के लिए इन दो छेदों के जरिए लीड और तार को बांधा जाता है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k , 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य में समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (228)/2008]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th December, 2009

S.O. 3511.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "KEP" and with brand name "GMI-IND" (hereinafter referred to as the said model), manufactured by M/s. Kantawalla Equipments, H. No. 108/6, Bhagat Colony, A-2 Block, West Sant Nagar, Burari, Delhi-110084 which is assigned the approval mark IND/09/09/589.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230V, 50Hz alternative current power supply.

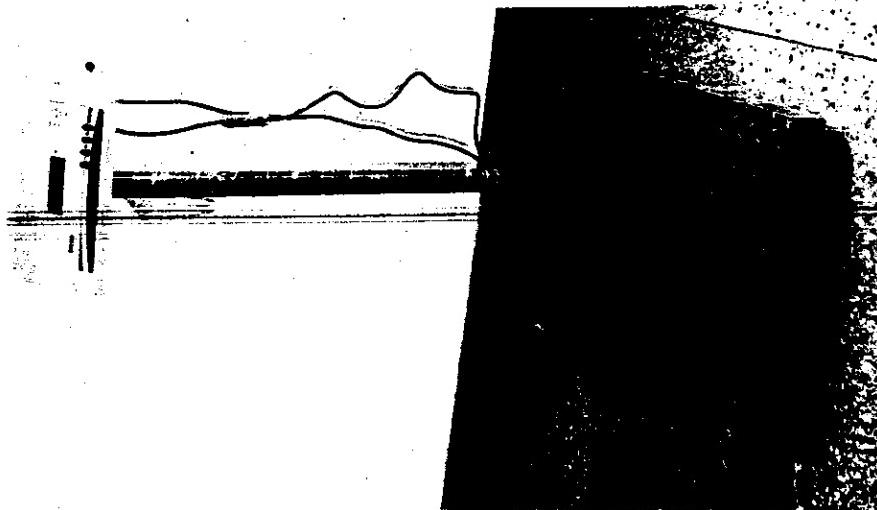


Figure-2 Sealing provision of the indicator of model

From the right side of the indicator two holes are made by cutting the upper cover and bottom plate and fastened the lead and wire through these two holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000 kg with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2008]

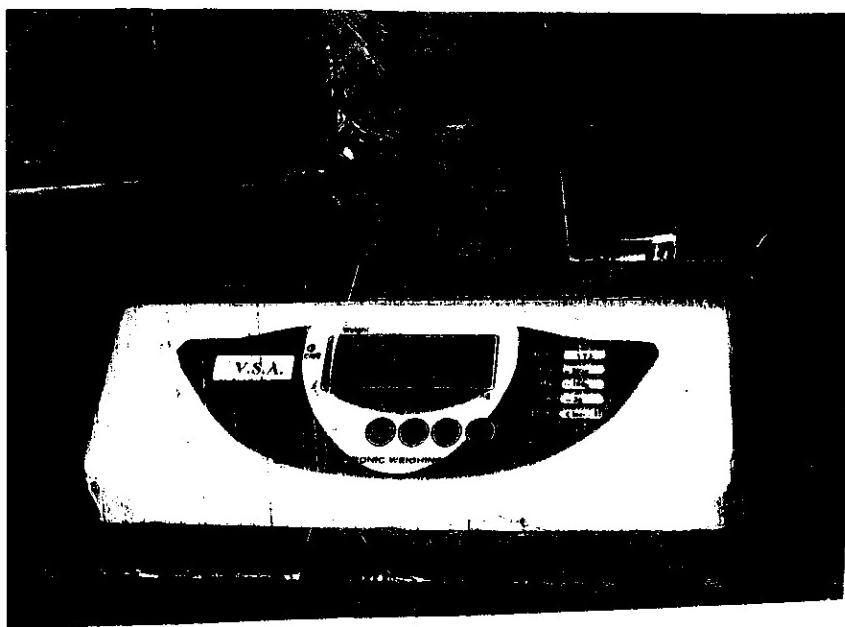
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 3512.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वर्लण स्केल एजेंसी, कंट्रोल गेट के पास, शहीद नरेश चौक, सुन्दर नगर, जिला मंडी (हिमाचल प्रदेश) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ष 11) वाले “वीटीजे” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वी.एस.ए.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/375 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 210 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 : मॉडल का सीलिंग डायग्राम

इंडीकेटर के बाटम मे चार हैड होल स्क्रू चारों कोनों पर हैं और स्टाम्प और सील के सत्यापन के लिए इन चारों होलों को लीडिंग वायर से कसा गया है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (211)/2009]
आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 3512.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "VTJ" and with brand name "V.S.A." (hereinafter referred to as the said model), manufactured by M/s Varun Sales Agencies, Near Control Gate, Saheed Naresh Chowk, Sunder Nagar, Distt. Mandi (H.P.) which is assigned the approval mark IND/09/09/375.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz. alternative current power supply.

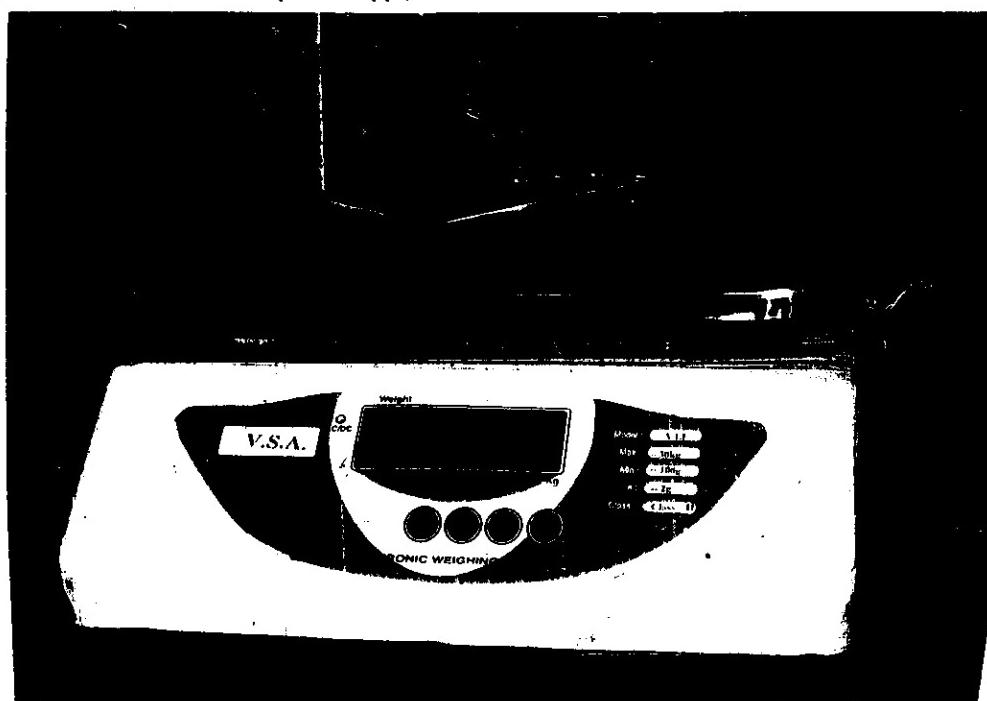


Figure-2 Schematic diagram of Sealing provision of the model

The weighing scale has four head hole screws in four corner in its bottom and fastened by a leaded wire through these four holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (211)/2009]

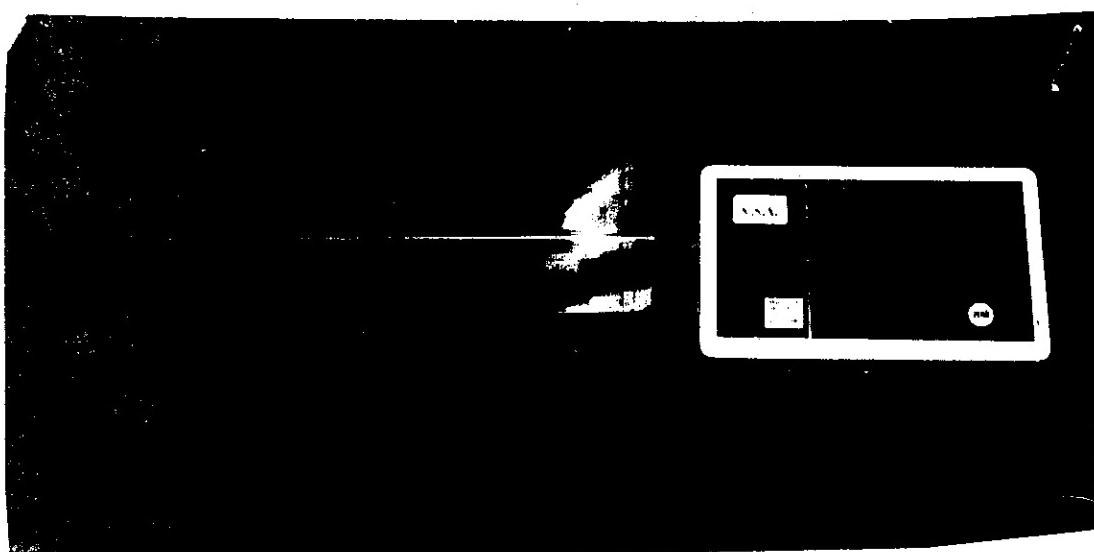
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसंबर, 2009

का.आ. 3513.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वरुण स्केल एजेंसी, कंट्रोल गेट के पास, शहीद नरेश चौक, सुन्दर नगर, जिला मंडी (हिमाचल प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “वीपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वी.एस.ए.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/376 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इडोकेंटर के बाटम में चार हैंड होल स्क्रू चारों कोनों पर हैं और स्टाम्प और सील के सत्यापन के लिए इन चारों होलों को लीडिंग वायर से कंसा गया है। सील ताड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुती योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (211)/2009]

आर. माधुरेश्वर, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 3513.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "VPF" and with brand name "V.S.A." (hereinafter referred to as the said model), manufactured by M/s. Varun Sales Agencies, Near Control Gate, Saheed Naresh Chowk, Sunder Nagar, Dist. Mandi (H.P.) and which is assigned the approval mark IND/09/09/376;

The said model is a strain gauge type load cell based non-automatic weighing instrument ((Platform type) with a maximum capacity of 200kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

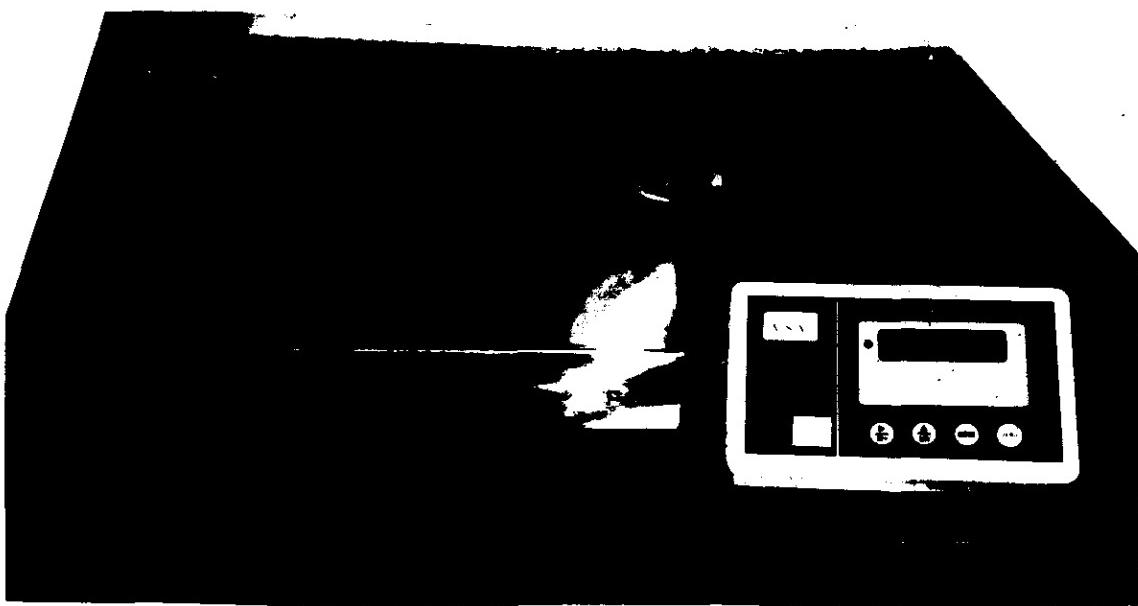


Figure-2 Sealing provision of the indicator of model

The indicator has four head hole screws in four corner in its bottom and fastened by a leaded wire through these four holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip which has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (211)/2009]

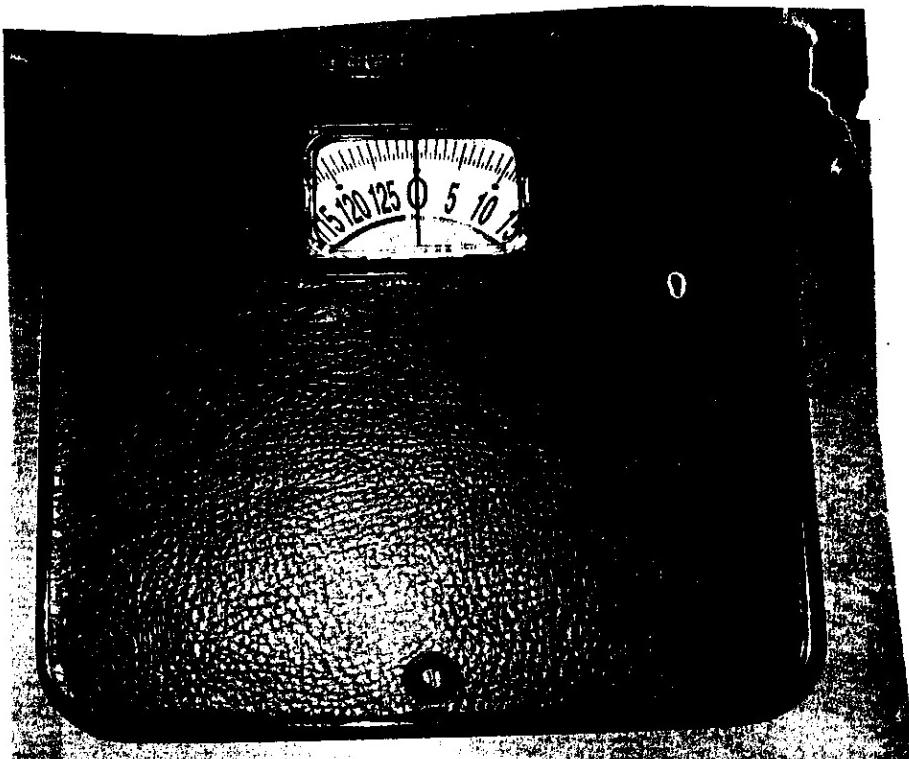
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 3514.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स क्लासिक कैप्स, 134, प्रिया अपार्टमेंट, प्लाट नं. 4, सेक्टर-14, रोहिणी, नई दिल्ली-110085 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग- III) वाले “सीसी-130” शृंखला के अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम “आयाम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/205 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल स्प्रिंग सिद्धांत पर आधारित अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 130 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 0.5 कि.ग्रा. है।



एप्रिंग स्टील फ्लेयर्ड रीविट मशीन के ऊपरी आर एच एस और नीचे एल एच एस पर ऊपरी तथा निचली प्लेट में होंगे। मशीन के कपटपूर्ण व्यवहार को रोकने के लिए मैकेनिकल असेंबली की सुरक्षा हेतु बॉटम तथा ऊपर प्लैटर्न को सील करने के लिए रीविटों को फ्लेयर किया जाएगा। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपीयोजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 100 से 1,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (89)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 3514.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical Person Weighing Machine) of ordinary accuracy (Accuracy class-III) of series "CC-130" and with brand name "AAYAM" (hereinafter referred to as the said model), manufactured by M/s. Classic Caps, 134, Priya Appt. Plot No. 4, Sector-14, Rohini, New Delhi-110085 and which is assigned the approval mark IND/09/09/205;

The said model is the principal of spring based non-automatic weighing instrument (Mechanical Person Weighing Machine) with a maximum capacity of 130 kg. and minimum capacity of 5kg. The verification scale interval (e) is 0.5kg.

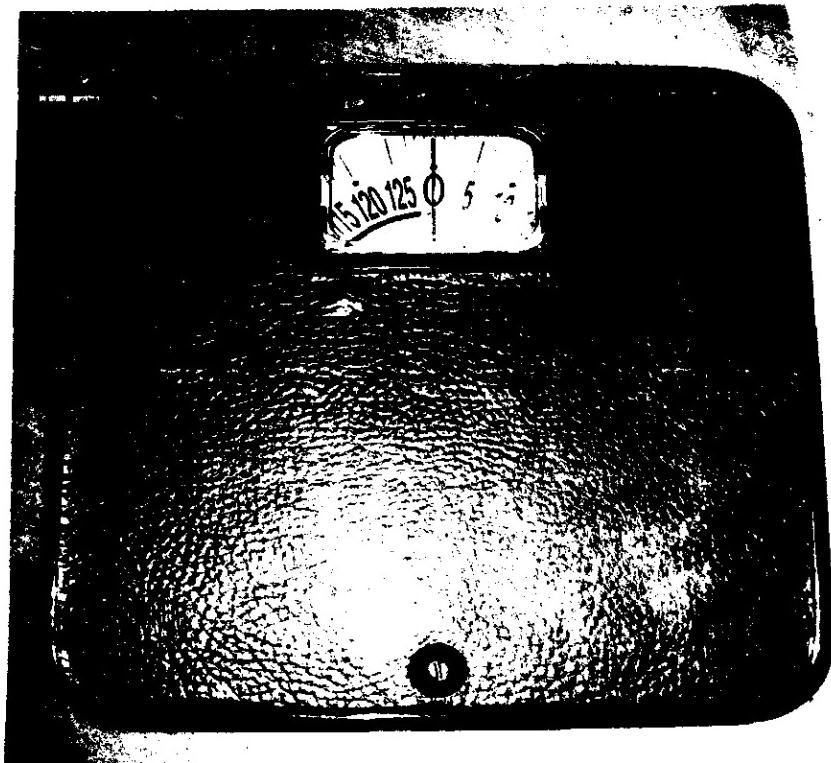


Figure-2 Sealing diagram of the sealing provision of the model.

A spring steel flared rivets will be through in upper and lower plate on the top R.H.S. of the machine and bottom L.H.S. These rivets will be flared to seal the bottom and upper platter for security of Mechanical assembly to avoid fraudulent use of the machine. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the Said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 150kg. with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (89)/2009]

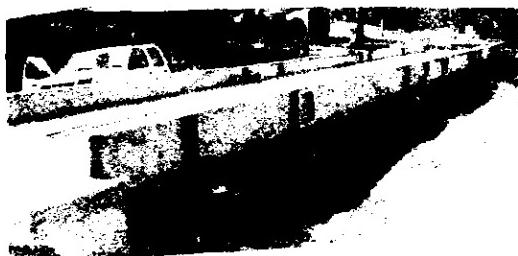
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 3515 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स एलेगेंडर स्कल्स प्रा. लि., प्रथम तल, मिस्ट्री चेम्बर्स, नीयर कामा होटल, खानपुर, अहमदाबाद-380001, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एलेक्स-डब्ल्यूबी 60 टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के माडल का, जिसके बांड का नाम "एजेंडर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/556 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर को सीलबंद स्टाम्पिंग प्लेट पर किया जाता है जो इसके ऊपरी ढांचे पर लगा होता है इस पर सीलिंग बिन्दु तार के साथ-ऐसे लगाया है ताकि ऊपरी ढांचे को जाने वाला तार लोबर प्लेट में से गुजरे। समायोजन पोर्ट इंडीकेटर के अंदर है और बाढ़ी पर कोई छेद नहीं है जिससे सील तोड़ बिना इंडीकेटर को नहीं खोला जा सकता। माडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह धोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालक तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनरात्मक या ऋणरात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (215)/2008]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 3515.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "ALEX-WB 60T" and with brand name "ALEXANDRA" (hereinafter referred to as the said model), manufactured by M/s. Alexandra Scales Pvt. Ltd., 1st Floor, Mistry Chambers, Nr. Cama Hotel, Khanpur, Ahmedabad-380001, Gujarat and which is assigned the approval mark IND/09/08/556;

The said model is a strain gauge type load cell based non-automatic weighing instrument ((Weighbridge Type) with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

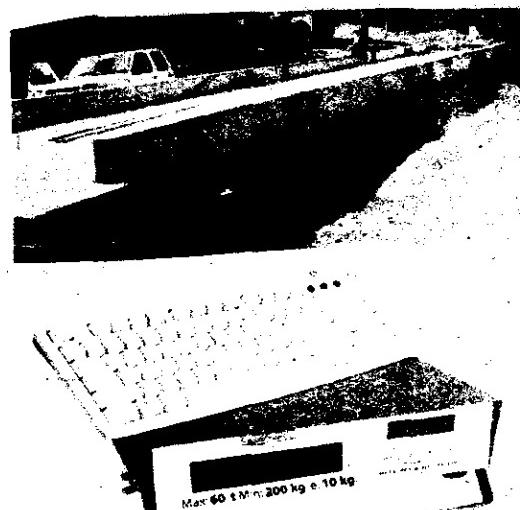


Figure-2. Sealing provision of the indicator of the model

Sealing point is affixed on the stamping plate is fixed on upper body of the indicator with the wire, in such a way that the wire passes through upper body to lower plate. The adjustment port is inside the indicator and no hole is provided on the body so that the indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (215)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक व्यूरो

नई दिल्ली, 8 दिसम्बर, 2009

का.आ. 3516.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
	आई एस 15872 : 2009 सड़कों, रेलवे के तटबंध और पहाड़ों के ढलानों का वर्षा जल से होने अपरदन के नियंत्रण हेतु नारियल जटा के भू-वस्त्रादि (नारियल जटा से बने भूवस्त्र) के अनु-प्रयोग के मार्ग निर्देश	--	मार्च 2009

इस संशोधन की प्रति भारतीय मानक व्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ टी एक्स डी/जी-25]

पी. भट्टनागर, निदेशक एवं प्रमुख (वस्त्रादि)

BUREAU OF INDIAN STANDARDS

New Delhi, the 8th December, 2009

S.O. 3516.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standard, if any Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
I.	IS 15872 : 2009 Application of Coir Geotextiles (Coir Woven Bhoovastra) for Rain Water Erosion Control in Roads, Railway Embankments and Hill Slopes-Guidelines	—	March 2009

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with H.Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolcatta Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TXD/G-25]

P. BHATNAGAR, Director & Head (Textiles)

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 3517.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 60947-4-1 : 2000 निम्न- वोल्टता के स्विच गियर और नियंत्रण गियर भाग 4 कान्टैक्टर और मोटर स्टार्टर खंड 1 विद्युत्यांत्रिक कान्टैक्टर और मोटर स्टार्टर	आई एस 13947 (पार्ट 4/सेक्शन 1) : 1993	01-02-2010

इस भारतीय मानक की प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 07/टी-5]

आर. के. त्रेहन, वैज्ञा. ई. एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 14th December, 2009

S.O. 3517.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian standards to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard	No. & Year of the Indian Standards, if any Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
	IS/IEC 60947-4-1 : 2000 Low Voltage Switchgear and Controlgear- Part 4 Contactors and motor-starters, Sec. 1-Electromechanical contactors and motor-starters	IS 13947 (Part 4/Sec 1) : 1993	01-02-2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ET 07/T-5]

R. K. TREHAN, Scientist E & Head (Electrotechnical)

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 3518.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 60947-2 : 2003 निम्न- वोल्टता के स्विच गियर और नियंत्रण गियर भाग 2 परिपथ वियोजक	आई एस 13947 (पार्ट 2) : 1993	01-02-2010

इस भारतीय मानक की प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 07/टी-55]

आर. के. त्रेहन, वैज्ञा. ई. एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 14th December, 2009

S.O. 3518.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard	No. & year of the Indian Standards, if any Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
I.	IS/IEC 60947-2 : 2003 Low Voltage Switchgear and Controlgear- Part 2 Circuit breakers	IS 13947 (Part 2) : 1993	01-02-2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ET 07/T-55]

R. K. TREHAN, Scientist E & Head (Electrotechnical)

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 3519.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गए मानक (कों) में संशोधन किया गया/किए गए हैं :-

अनुसूची

क्रम संख्या	संशोधन भारतीय मानक (कों) की संख्या, संशोधन की संख्या और तिथि वर्ष और शीर्षक	संशोधन लागू होने की तिथि	
(1)	(2)	(3)	(4)
I.	आई एस 648 : 2006 अतप्त बेल्लित गैर- दिशात्मक विद्युत इस्पात की चद्दर एवं पत्ती पूर्ण प्रक्रियत प्ररूप-विशिष्टि (पाँचवां पुनरीक्षण)	संशोधन संख्या 2, मार्च 2009	30-03-2009

इन संशोधनों की प्रतिवाँ, भारतीय मानक की प्रतिवाँ, भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एमटीडी 4/टी-23]

प्री पी. घोष, वैज्ञानिक 'ई.' एवं प्रमुख (एमटीडी)

New Delhi, the 18th December, 2009

S.O. 3519.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the amendment (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
I.	IS 648 : 2006 Cold rolled non- oriented electrical steel sheet and strip—Fully processed type—Speci- fication (fifth revision)	Amendment No. 2 March 2009	30 March, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 4/T-23]

P. GHOSH, Scientist 'E' & Head (Met Engg.)

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 3520.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2831 : 2001 निम्न तन्यता के संरचना इस्पात में पुनर्बैलन हेतु कार्बन इस्पात के ढलांगों बिलेट इनाट, बिलेट, ब्लूम व स्लैब--विशिष्टि (तीसरा पुनरीक्षण)	संशोधन संख्या 2, मार्च 2009	15-12-2009

इन संशोधनों की प्रतियाँ, भारतीय मानक की प्रतियाँ, भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एमटीडी 4/टी-100]

श्री पी. घोष, वैज्ञानिक 'ई.' एवं प्रमुख (एमटीडी)

New Delhi, the 18th December, 2009

S.O. 3520 .—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the amendment(s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2831 : 2001 Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into low tensile structural steel—Specification (third revision)	Amendment No. 2, March 2009	15 December, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 4/T-100]

P. GHOSH, Scientist 'E' & Head (Met Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 दिसम्बर 2009

का. आ. 3521.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 1303 दिनांक 12.05.09, और संशोधन का.आ. 2491 दिनांक 10.09.09 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, रमन मंडी (पंजाब राज्य में) से बहादुरगढ़ (हरियाणा राज्य में) तक, पेट्रोलियम उत्पाद के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा “जी जी एस आर उत्पाद निष्क्रमण परियोजना रमन मंडी से बहादुरगढ़ पेट्रोलियम पाइपलाइन” के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील सरदूलगढ़ जिला मानसा राज्य पंजाब की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 25.10.2009 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : सरदूलगढ़		जिला : मानसा		राज्य : पंजाब		
गाँव का नाम	हदबस्ति संख्या	मुस्तिलि	खसरा/ किला	क्षेत्रफल		
		संख्या	किला	हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1.फल्ता मालुका	166	255	1/2 8/2 9/1 9/3 10 12 13 14	00 00 00 00 00 00 00 00	05 01 01 11 08 00 12 05	31 51 51 89 85 50 90 06
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(1)	(2)	(3)	(4)	(5)	(6)	(7)
2. हिरके	176	70	17	00	00	75
			25/1	00	03	03
			25/2	00	07	08
			71	5/1	00	03
				5/2	00	07
			72	1/1	00	00
				1/2	00	07
				9	00	03
				10/2	00	03
				10/3	00	01
				10/4	00	05
				12	00	11
				13	00	06
			72	17	00	05
				18	00	10
				24	00	11
				25	00	05
						31

[फा सं. आर.-31015/11/2009-ओआर-II]

बी. के. दत्ता, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 22nd December, 2009

S. O. 3521.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 1303 dated the 12th May, 2009 and subsequently amended vide S.O No. 2491 dated 10.09.09 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana by the Hindustan Petroleum Corporation Limited for implementing the “GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh” in Tehsil Sardulgarh, District Mansa, in Punjab State;

And whereas, copies of the said gazette notification were made available to the public on 25.10.2009.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : SARDULGARH		District : MANSA		State : PUNJAB		
Name of Village (1)	Hadbast No. (2)	Mustatil No. (3)	Khasra / Killa No. (4)	Area		
				Hectare (5)	Are (6)	Square metre (7)
1.FATTA MALUKA	166	255	1/2	00	05	31
			8/2	00	01	51
			9/1	00	01	51
			9/3	00	11	89
			10	00	08	85
			12	00	00	50
			13	00	12	90
			14	00	05	06
2.HIRKE	176	70	17	00	00	75
			25/1	00	03	03
			25/2	00	07	08
		71	5/1	00	03	28
			5/2	00	06	07
		72	1/1	00	00	25
			1/2	00	07	33

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			9	00	03	28
			10/2	00	03	28
			10/3	00	01	01
			10/4	00	05	81
			12	00	11	13
			13	00	06	07
72			17	00	05	81
			18	00	10	87
			24	00	11	13
			25	00	05	31

[F. No. R-31015/11/2009-OR-II]
B. K. DATTA, Under Secy.

नई दिल्ली, 22 दिसम्बर 2009

का. आ. 3522.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 1943 दिनांक 13.07.09, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, रमन मंडी (पंजाब राज्य में) से बहादुरगढ़ (हरियाणा राज्य में) तक, पेट्रोलियम उत्पाद के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा 'जी जी एस आर उत्पाद निष्कर्मण परियोजना रमन मंडी से बहादुरगढ़ पेट्रोलियम पाइपलाइन' के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील तलबंडी सभी जिला भट्टिंडा राज्य पंजाब की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 30.08.2009 को उपलब्ध करा दी गई थीं,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : तलवंडी साबो		जिला : भटिंडा			राज्य : पंजाब		
गाँव का नाम (1)	हदबस्ति संख्या (2)	मुस्तिल संख्या (3)	खसए किला संख्या (4)	क्षेत्रफल			
				हेक्टेयर (5)	एयर (6)	वर्गमीटर (7)	
1. रामसरा	122	66	4	00	11	38	
			5	00	12	39	
		67	1	00	12	39	
			2	00	12	39	
			3	00	12	39	
			4	00	05	06	
2. रामां	121	228	4/3/2	00	00	25	
			5	00	09	10	
			6/1	00	02	02	
			6/2	00	01	77	
			7/1	00	00	25	
			7/2	00	14	42	
			8/1/1	00	03	28	
			8/2/2	00	00	25	
			12/1	00	04	30	
			13	00	09	61	
			14	00	02	02	
			18	00	00	25	
			19	00	11	63	
			22	00	11	13	
	229		1	00	12	65	
			2	00	08	60	
			10	00	00	25	
	230		2	00	11	38	
			9/1	00	03	28	
			9/2	00	08	34	
			10	00	00	25	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		230	11	00	02	02
			12	00	09	10
			19	00	05	06
			20	00	06	07
			21	00	12	65
			22	00	00	75
		246	16/1	00	01	26
			25	00	14	67
			24/1	00	01	01
		247	5	00	15	18
			7	00	13	66
			8	00	04	30
			11/2	00	00	25
			12	00	15	18
			13	00	05	31
			19	00	01	51
			20	00	15	18
			21	00	00	25
		248	1	00	07	08
		249	3/3	00	01	51
			4	00	15	18
			5	00	00	75
			7	00	00	50
			8/1	00	15	18
			9	00	01	51
			11	00	08	60
			12	00	15	18
			20	00	03	79
		250	8	00	04	04
			9	00	11	13
			10	00	12	65
			12	00	01	01
			13	00	08	34

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		250	14	00	12	90
			15	00	12	90
			16	00	00	25
		251	6	00	02	27
			13/2/3	00	00	25
			14/2/2	00	04	30
			15	00	14	67
			17	00	09	10
			18	00	06	83
			19	00	09	10
			20	00	00	25
			21	00	11	38
			22	00	02	78
		255	4	00	05	06
			5/2	00	12	39
		256	1/2	00	12	39
			2	00	12	39
			3/1	00	11	89
			3/2	00	00	50
			4	00	12	39
			5	00	13	66
		257	1	00	07	08
			310	00	01	77
			314	00	02	53
			323	00	08	85
			1284	00	01	77
			1294	00	03	79
3. फूलो खारी	124	11	2	00	06	07
			3	00	12	39
			4	00	12	39
			5	00	12	65

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			11	6	00	50
		12	1	00	07	84
			2	00	02	27
			6	00	12	65
			7/1	00	12	14
			7/2	00	00	50
			8	00	12	65
			9	00	10	62
			10	00	04	55
		13	7	00	01	01
			8	00	06	83
			9	00	09	61
			10/2	00	12	65
			12	00	00	50
			13	00	05	81
			14	00	11	38
			15	00	12	65
	14	11/1	00	00	50	
		11/2/1	00	03	28	
		11/2/2	00	8	85	
		12/1	00	09	36	
		12/2	00	00	25	
		13/1	00	03	28	
		13/2	00	08	34	
		14	00	12	39	
		15	00	09	10	
		16	00	03	28	
		17/1	00	00	13	
		17/2	00	00	12	
	15	11	00	01	01	
		18	00	01	26	
		19	00	12	39	
		20	00	11	38	
		22	00	01	01	
		23	00	12	14	
		24	00	11	13	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		15	25/2	00	01	26
		18	11	00	00	50
			19	00	10	37
			20	00	12	65
			22	00	01	26
		19	1	00	12	65
			2	00	00	75
			7	00	00	50
			8	00	11	63
			9	00	12	39
			10	00	01	26
			13	00	01	51
			14	00	12	90
			15/1/2	00	00	50
			15/2	00	11	39
			16/1	00	00	50
			16/2	00	01	01
		20	4/1/1	00	00	25
			4/2/1	00	00	50
			4/2/2	00	00	50
			5/1	00	00	25
			5/2	00	11	13
			149	00	03	54
			153	00	01	01
4 मलकाना	125	194	1	00	00	50
			10	00	10	12
		195	6	00	12	39
			7	00	12	39
			8	00	12	39
			9	00	12	39
			10	00	11	38
		196	6	00	08	34
			7	00	07	33
			8	00	02	78

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		196	9 11 12 13/1 13/2 14 15	00 00 00 00 00 00 00	00 12 12 05 04 05 01	25 39 14 06 04 06 26
		197	11 12 13/1 13/2 14 15 20	00 00 00 00 00 00 00	10 12 02 10 12 12 01	12 39 27 12 39 39 77
		198	14 15 16 17 18 19 20	00 00 00 00 00 00 00	00 05 07 11 12 12 12	50 06 33 89 39 39 39
		199	16 17 18 19 20	00 00 00 00 00	16 06 12 12 12	69 07 39 39 39
		200	16 17 18 19/1 19/2 20/1	00 00 00 00 00 00	12 12 12 02 10 10	39 39 39 27 12 62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		201	16	00	12	39
			17	00	12	39
			18	00	12	39
			19	00	12	39
			20	00	12	39
		202	16	00	12	39
			17/2	00	12	39
			18/2	00	12	39
			19/2	00	12	39
			20/2	00	11	13
		203	1	00	03	79
			8	00	04	80
			9	00	12	90
			10	00	12	90
			13	00	07	33
			14/1	00	00	50
			14/2	00	12	39
			15	00	04	30
			16	00	07	08
		204	1	00	11	38
			2/1	00	06	07
			2/2	00	06	07
			3	00	12	39
			4	00	12	39
			5	00	12	39
		205	1	00	12	39
			2/1	00	06	07
			2/2	00	06	07
			3	00	12	39
			4/1	00	07	84
			4/2	00	04	55

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		205	5/1	00	07	33
			5/2	00	05	06
		206	1	00	00	25
			2	00	03	79
			3/1	00	00	25
			3/2	00	07	59
			4	00	12	65
			5	00	11	38
			7	00	00	25
			8	00	03	28
			9	00	09	10
			10/1	00	10	12
			10/2	00	02	27
		207	6	00	12	39
			7	00	12	39
			8	00	12	39
			9	00	12	65
			10	00	12	39
			11/1	00	00	25
		208	6	00	09	10
			7	00	04	55
			8	00	00	50
			11	00	11	38
			12	00	12	39
			13	00	12	14
			14	00	07	84
			15/1	00	02	78
		209	11/1	00	00	75
			11/2	00	07	59
			12/1	00	11	63
			12/2	00	00	50
			12/3	00	00	25

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(1)	(2)	(3)	(4)	(5)	(6)	(7)
		209	13	00	12	39
			14	00	12	39
			15	00	12	39
			20	00	00	50
		210	13	00	00	25
			14	00	03	28
			15	00	08	34
			16	00	04	04
			17	00	09	10
			18	00	11	89
			19/1	00	12	14
			19/2	00	00	50
			20/1	00	06	57
			329	00	02	27
			332	00	00	50
			337	00	01	77
			349	00	01	01
			350	00	01	01
			352	00	02	27
			353	00	02	02
			359	00	01	01
			669	00	00	50
			698	00	01	01
			712	00	00	50
			713	00	01	01
			717	00	01	01
5. तंगराली	129	19	2/2	00	05	56
			3	00	11	38
			4	00	12	39
			5	00	12	39
			8	00	01	01
			9	00	06	83
			10/1	00	02	78

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		19	10/2	00	00	50
		20	1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5	00	12	39
		21	1/1	00	08	60
			1/2	00	01	51
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5/1	00	04	55
			5/2	00	07	84
		22	1	00	12	39
			2/1	00	05	06
			2/2	00	03	03
			3/1	00	02	27
			3/2/1	00	07	84
			4/1	00	12	39
			5	00	12	39
		23	1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5	00	12	39
		24	1	00	12	39
			2	00	05	06
			60	00	01	01
			61	00	02	02
			64	00	00	50
			69	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			70	00	01	26
			71	00	01	01
			72	00	01	51
			73	00	02	53
6. त्यौना पुजारीन	130	137	5	00	02	53
		138	9	00	01	51
			10	00	13	66
			11/2/1	00	00	50
			12/1	00	00	25
			12/2	00	12	39
			13	00	06	83
			16	00	00	75
			17	00	12	39
			18	00	07	84
			24/1	00	01	51
			25/1/1	00	02	53
			25/1/2	00	00	25
			25/2/1	00	02	53
			25/2/2/1	00	09	10
		144	19	00	04	55
			20	00	12	90
			22	00	10	62
			23	00	10	62
			24	00	00	25
		145	1	00	04	80
			2	00	12	65
			3/1	00	00	50
			7	00	04	55
			8/1	00	01	26
			8/2	00	11	38
			9	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		145	16	00	03	03
			14/1	00	05	81
			14/2	00	01	51
			15/1	00	05	31
			15/2	00	05	56
		149	3/1	00	04	55
			3/2	00	03	79
			4	00	07	33
			5	00	02	78
			6	00	11	89
			7	00	00	25
		150	10	00	05	31
			151	00	01	77
			153	00	01	77
			154	00	01	51
			158	00	02	53
			287	00	03	03
7. पिरेजयाना	136	2	19	00	03	03
			20	00	05	81
			21	00	00	25
			22	00	11	13
			23	00	08	85
		8	21	00	02	78
		9	10	00	03	28
			11	00	11	38
			12	00	06	07
			17	00	00	25
			18	00	12	65
			19/1	00	05	81
			19/2	00	01	77

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		9	23	00	02	53
			24	00	13	15
			25	00	11	63
		10	3	00	06	57
			4	00	13	40
			5	00	00	25
			6	00	14	16
			7/1	00	02	02
			15/1	00	00	25
		15	5	00	00	25
		16	1	00	13	15
			2	00	12	90
			3	00	07	84
			4	00	00	25
			6	00	12	90
			7	00	12	90
			8	00	05	06
			15	00	00	25
		17	10	00	02	78
			11	00	10	12
			12	00	13	40
			13	00	07	84
			16/2	00	00	25
			17	00	11	89
			18	00	06	83
			24	00	03	54
			25	00	14	16
		18	21	00	00	25
		19	20	00	00	25
			21/1	00	05	56
			21/2	00	08	34
			22	00	01	01

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		20	1	00	12	90
			2	00	03	54
			8	00	06	32
			9	00	11	89
			10	00	00	25
			13	00	09	36
			14	00	09	10
			16	00	12	14
			17	00	06	32
			25	00	03	54
	21		5	00	01	01
	33		1	00	01	01
			2	00	13	15
			3	00	03	03
			7	00	06	07
			8	00	11	89
			9	00	00	25
			14	00	09	86
			15/1	00	02	27
			15/2/1	00	01	51
			15/2/2	00	05	06
			16/1	00	03	03
			16/2	00	01	26
	34		20	00	09	61
			21	00	10	12
			22	00	05	06
	35		21	00	01	77
	36		2	00	13	40
			3	00	01	51
			8	00	13	91

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		36	9	00	01	01
			13	00	04	30
			14	00	10	87
			16/1	00	01	51
			16/2	00	04	80
			17	00	08	60
			25	00	12	90
		49	5	00	00	25
		50	1	00	14	42
			2	00	00	50
			9	00	01	01
			10	00	13	66
			12	00	05	81
			13	00	09	36
			17	00	04	55
			18	00	10	62
			24	00	13	66
			25	00	00	75
		55	10/1	00	08	60
			10/2	00	01	01
			11/2	00	08	85
			12	00	04	04
			18/2/2	00	01	77
			19	00	12	90
			22	00	00	25
			23/1/1	00	09	36
			23/1/2	00	03	79
			23/2	00	00	25
			24/1	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	56	4/2	00	01	26	
	5	00	13		15	
	6/1	00	05		08	
70	3/3	00	02		78	
	4	00	11		38	
	7	00	08		09	
	8	00	07		33	
	15	00	12		14	
	16/2	00	00		25	
73	21	00	11		63	
	74	2	00	04	55	
	3	00	09		61	
	7	00	05		08	
	8	00	10		12	
	14/1	00	04		30	
	14/2	00	09		81	
	15	00	02		02	
	16/1	00	04		04	
	16/2	00	08		07	
	25/1	00	02		78	
	83	1/1	00	03	79	
	1/2	00	05		56	
	2/1	00	03		79	
	2/2/1	00	00		50	
	8	00	00		25	
	9	00	14		16	
	12	00	02		78	
	13	00	08		85	
	18	00	00		25	
	96	00	01		61	
	97	00	03		28	
	103	00	02		27	
	310	00	01		01	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			327	00	01	01
			331	00	01	26
			332	00	01	26
			336	00	00	25
8. नथेहा	141	56	13	00	01	51
			17/1	00	00	50
			17/2	00	02	27
			18	00	08	09
			23	00	00	50
			24	00	13	40
		57	4	00	04	04
			5	00	09	86
			6	00	10	12
			15	00	00	25
		58	10/1	00	02	27
			11	00	13	91
			12/2	00	00	25
			19	00	10	62
			20/2	00	03	54
			23	00	03	28
			22/2	00	10	87
		78	21	00	09	10
		79	2	00	00	25
			3	00	13	66
			7	00	10	12
			8	00	04	30
			14	00	10	12
			15/1	00	01	77
			15/2	00	01	26
			16	00	12	90

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	79		17	00	00	25
			25	00	04	80
	83		1	00	11	38
			2	00	02	53
			9	00	12	65
			10	00	00	25
			12	00	02	78
			13	00	09	10
			17/2	00	01	77
			18	00	13	66
			23	00	00	50
			24	00	13	91
	103		10	00	01	77
			11	00	13	66
			19	00	08	34
			20	00	05	81
			22	00	11	63
			23	00	01	77
	104		4	00	05	06
			5	00	08	60
			6	00	08	85
	109		2	00	00	25
			3	00	13	40
			7	00	07	84
			8	00	06	32
			14	00	11	89
			15	00	01	77
			16/1	00	08	34
			16/2	00	05	06

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		109	17	00	00	25
			25	00	05	31
		110	21	00	07	33
		123	21	00	01	51
		124	1	00	12	14
			2	00	01	51
			9	00	12	39
			10/1	00	00	25
			12	00	04	30
			13	00	09	86
			14	00	02	02
			16	00	01	01
			17	00	14	42
			18	00	02	53
			24	00	00	75
			25/1	00	02	78
			25/2	00	10	37
		126	5	00	00	25
		127	1	00	13	66
			2	00	03	54
			8	00	04	30
			9	00	12	39
			10	00	00	25
			13/1	00	05	56
			13/2	00	05	56
			14	00	03	79
			15	00	00	25
			16	00	13	15

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	127		17	00	05	31
	128		19	00	03	03
			20	00	12	65
			21	00	00	75
			22	00	10	87
			23	00	11	63
			24	00	07	33
			25	00	00	25
	133		8	00	07	84
			9	00	12	39
			10	00	12	39
	134		1	00	12	39
			2	00	12	39
			3	00	09	86
			4/2	00	06	83
			5	00	02	02
			6	00	09	86
			7/2	00	06	83
			8	00	01	77
	135		4	00	05	31
			5	00	12	90
			165	00	02	53
			172	00	01	51
			175	00	04	30
			205	00	01	51
			211	00	01	01
			219	00	01	77
			224	00	01	01

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			389	00	02	78
			591	00	02	27
			616	00	01	77
			617	00	01	26
			618	00	00	75

[फा सं. आर.-31015/42/2009-ओआर-II]

बी. के. दत्ता, अवर सचिव

New Delhi, the 22nd December, 2009

S. O. 3522.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 1943 dated the 13th July 2009, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana by the Hindustan Petroleum Corporation Limited for implementing the "GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh" in Tehsil **Talwandi Saboo**, District **Bathinda**, in **Punjab** State;

And whereas, copies of the said gazette notification were made available to the public on 30.08.2009.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : TALWANDI SABOO		District : BHATINDA		State : PUNJAB		
Name of Village (1)	Hadbast No. (2)	Mustatil No. (3)	Khasra / Killa No. (4)	Area		
				Hectare (5)	Are (6)	Square Metre (7)
1. RAMSARA	122	66	4	00	11	38
			5	00	12	39
		67	1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	05	06
2. RAMAN	121	228	4/3/2	00	00	25
			5	00	09	10
			6/1	00	02	02
			6/2	00	01	77
			7/1	00	00	25
			7/2	00	14	42
			8/1/1	00	03	28
			8/2/2	00	00	25
			12/1	00	04	30
			13	00	09	61
			14	00	02	02
			18	00	00	25
			19	00	11	63
			22	00	11	13
	229		1	00	12	65
			2	00	08	60
			10	00	00	25
	230		2	00	11	38
			9/1	00	03	28
			9/2	00	08	34
			10	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		230	11	00	02	02
			12	00	09	10
			19	00	05	06
			20	00	06	07
			21	00	12	65
			22	00	00	75
		246	16/1	00	01	26
			25	00	14	67
			24/1	00	01	01
		247	5	00	15	18
			7	00	13	66
			8	00	04	30
			11/2	00	00	25
			12	00	15	18
			13	00	05	31
			19	00	01	51
			20	00	15	18
			21	00	00	25
		248	1	00	07	08
		249	3/3	00	01	51
			4	00	15	18
			5	00	00	75
			7	00	00	50
			8/1	00	15	18
			9	00	01	51
			11	00	08	60
			12	00	15	18
			20	00	03	79
		250	8	00	04	04
			9	00	11	13
			10	00	12	65
			12	00	01	01
			13	00	08	34

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		250	14	00	12	90
			15	00	12	90
			16	00	00	25
		251	6	00	02	27
			13/2/3	00	00	25
			14/2/2	00	04	30
			15	00	14	67
			17	00	09	10
			18	00	06	83
			19	00	09	10
			20	00	00	25
			21	00	11	38
			22	00	02	78
		255	4	00	05	06
			5/2	00	12	39
		256	1/2	00	12	39
			2	00	12	39
			3/1	00	11	89
			3/2	00	00	50
			4	00	12	39
			5	00	13	66
		257	1	00	07	08
			310	00	01	77
			314	00	02	53
			323	00	08	85
			1284	00	01	77
			1294	00	03	79
3. PHULLO KHARI	124	11	2	00	06	07
			3	00	12	39
			4	00	12	39
			5	00	12	65

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		11	6	00	00	50
		12	1	00	07	84
			2	00	02	27
			6	00	12	65
			7/1	00	12	14
			7/2	00	00	50
			8	00	12	65
			9	00	10	62
			10	00	04	55
		13	7	00	01	01
			8	00	06	83
			9	00	09	61
			10/2	00	12	65
			12	00	00	50
			13	00	05	81
			14	00	11	38
			15	00	12	65
		14	11/1	00	00	50
			11/2/2	00	12	14
			12/1	00	09	36
			12/2	00	00	25
			13/1	00	03	28
			13/2	00	08	34
			14	00	12	39
			15	00	09	10
			16	00	03	28
			17/1	00	00	25
		15	11	00	01	01
			18	00	01	26
			19	00	12	39
			20	00	11	38
			22	00	01	01
			23	00	12	14
			24	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		15	25/2	00	01	26
		18	11	00	00	50
			19	00	10	37
			20	00	12	65
			22	00	01	26
		19	1	00	12	65
			2	00	00	75
			7	00	00	50
			8	00	11	63
			9	00	12	39
			10	00	01	26
			13	00	01	51
			14	00	12	90
			15/2	00	11	89
			16/1	00	00	50
			16/2	00	01	01
		20	4/1/1	00	00	25
			4/2	00	01	01
			5/2	00	11	38
			149	00	03	54
			153	00	01	01
4. MALKANA	125	194	1	00	00	50
			10	00	10	12
		195	6	00	12	39
			7	00	12	39
			8	00	12	39
			9	00	12	39
			10	00	11	38
		196	6	00	08	34
			7	00	07	33
			8	00	02	78

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		196	9	00	00	25
			11	00	12	39
			12	00	12	14
			13/1	00	05	06
			13/2	00	04	04
			14	00	05	06
			15	00	01	26
		197	11	00	10	12
			12	00	12	39
			13/1	00	02	27
			13/2	00	10	12
			14	00	12	39
			15	00	12	39
			20	00	01	77
		198	14	00	00	50
			15	00	05	06
			16	00	07	33
			17	00	11	89
			18	00	12	39
			19	00	12	39
			20	00	12	39
		199	16	00	16	69
			17	00	06	07
			18	00	12	39
			19	00	12	39
			20	00	12	39
		200	16	00	12	39
			17	00	12	39
			18	00	12	39
			19/1	00	02	27
			19/2	00	10	12
			20/1	00	10	62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		201	16 17 18 19 20	00 00 00 00 00	12 12 12 12 12	39 39 39 39 39
		202	16 17/2 18/2 19/2 20/2	00 00 00 00 00	12 12 12 12 11	39 39 39 39 13
		203	1 8 9 10 13 14/1 14/2 15 16	00 00 00 00 00 00 00 00 00	03 04 12 12 07 00 12 04 07	79 80 90 90 33 50 39 30 08
		204	1 2/1 2/2 3 4 5	00 00 00 00 00 00	11 06 06 12 12 12	38 07 07 39 39 39
		205	1 2/1 2/2 3 4/1	00 00 00 00 00	12 06 06 12 12	39 07 07 39 39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		205	5/1	00	12	39
206			1	00	00	25
			2	00	03	79
			3/1	00	00	25
			3/2	00	07	59
			4	00	12	65
			5	00	11	38
			7	00	00	25
			8	00	03	28
			9	00	09	10
			10/1	00	10	12
			10/2	00	02	27
207			6	00	12	39
			7	00	12	39
			8	00	12	39
			9	00	12	65
			10	00	12	39
			11/1	00	00	25
208			6	00	09	10
			7	00	04	55
			8	00	00	50
			11	00	11	38
			12	00	12	39
			13	00	12	14
			14	00	07	84
			15/1	00	02	78
209			11/1	00	00	75
			11/2	00	07	59
			12/1	00	11	63
			12/2	00	00	50
			12/3	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		209	13 14 15 20	00 00 00 00	12 12 12 00	39 39 39 50
		210	13 14 15 16 17 18 19/1 19/2 20/1	00 00 00 00 00 00 00 00 00	00 03 08 04 09 11 12 00 06	25 28 34 04 10 89 14 50 57
			329 332 337 349 350 352 353 359 669 698 712 713 717	00 00 00 00 00 00 00 00 00 00 00 00 00	02 00 01 01 01 02 02 01 00 01 00 01 01	27 50 77 01 01 27 02 01 50 01 50 01 01
5. TANRALI	129	19	2/2 3 4 5 8 9 10/1	00 00 00 00 00 00 00	05 11 12 12 01 06 02	56 38 39 39 01 83 78

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	19		10/2	00	00	50
	20		1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5	00	12	39
	21		1/1	00	08	60
			1/2	00	01	51
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5/1	00	04	55
			5/2	00	07	84
	22		1	00	12	39
			2/1	00	05	06
			2/2	00	03	03
			3/1	00	02	27
			3/2/1	00	07	84
			4/1	00	12	39
			5	00	12	39
	23		1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	39
			5	00	12	39
	24		1	00	12	39
			2	00	05	06
			60	00	01	01
			61	00	02	02
			64	00	00	50
			69	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			70	00	01	26
			71	00	01	01
			72	00	01	51
			73	00	02	53
6. TEONA PUJARIN	130	137	5	00	02	53
		138	9	00	01	51
			10	00	13	66
			11/2/1	00	00	50
			12/1	00	00	25
			12/2	00	12	39
			13	00	06	83
			16	00	00	75
			17	00	12	39
			18	00	07	84
			24/1	00	01	51
			25/1/1	00	02	53
			25/1/2	00	00	25
			25/2/1	00	02	53
			25/2/2/1	00	09	10
		144	19	00	04	55
			20	00	12	90
			22	00	10	62
			23	00	10	62
			24	00	00	25
		145	1	00	04	80
			2	00	12	65
			3/1	00	00	50
			7	00	04	55
			8/1	00	01	26
			8/2	00	11	38
			9	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		145	16	00	03	03
			14/1	00	05	81
			14/2	00	01	51
			15/1	00	05	31
			15/2	00	05	56
		149	3/1	00	04	55
			3/2	00	03	79
			4	00	07	33
			5	00	02	78
			6	00	11	89
			7	00	00	25
		150	10	00	05	31
			151	00	01	77
			153	00	01	77
			154	00	01	51
			158	00	02	53
			287	00	03	03
7. MIRZIANA	136	2	19	00	03	03
			20	00	05	81
			21	00	00	25
			22	00	11	13
			23	00	08	85
		8	21	00	02	78
		9	10	00	03	28
			11	00	11	38
			12	00	06	07
			17	00	00	25
			18	00	12	65
			19/1	00	05	81
			19/2	00	01	77

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		9	23	00	02	53
			24	00	13	15
			25	00	11	63
	10		3	00	06	57
			4	00	13	40
			5	00	00	25
			6	00	14	16
			7/1	00	02	02
			15/1	00	00	25
	15		5	00	00	25
	16		1	00	13	15
			2	00	12	90
			3	00	07	84
			4	00	00	25
			6	00	12	90
			7	00	12	90
			8	00	05	06
			15	00	00	25
	17		10	00	02	78
			11	00	10	12
			12	00	13	40
			13	00	07	84
			16/2	00	00	25
			17	00	11	89
			18	00	06	83
			24	00	03	54
			25	00	14	16
	18		21	00	00	25
	19		20	00	00	25
			21/1	00	05	56
			21/2	00	08	34
			22	00	01	01

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		20	1	00	12	90
			2	00	03	54
			8	00	06	32
			9	00	11	89
			10	00	00	25
			13	00	09	36
			14	00	09	10
			16	00	12	14
			17	00	06	32
			25	00	03	54
		21	5	00	01	01
		33	1	00	01	01
			2	00	13	15
			3	00	03	03
			7	00	06	07
			8	00	11	89
			9	00	00	25
			14	00	09	86
			15/1	00	02	27
			15/2/1	00	01	51
			15/2/2	00	05	06
			16/1	00	03	03
			16/2	00	01	26
		34	20	00	09	61
			21	00	10	12
			22	00	05	06
		35	21	00	01	77
		36	2	00	13	40
			3	00	01	51
			8	00	13	91

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		36	9	00	01	01
			13	00	04	30
			14	00	10	87
			16/1	00	01	51
			16/2	00	04	80
			17	00	08	60
			25	00	12	90
		49	5	00	00	25
		50	1	00	14	42
			2	00	00	50
			9	00	01	01
			10	00	13	66
			12	00	05	81
			13	00	09	36
			17	00	04	55
			18	00	10	62
			24	00	13	66
			25	00	00	75
		55	10/1	00	08	60
			10/2	00	01	01
			11/2	00	08	85
			12	00	04	04
			18/2/2	00	01	77
			19	00	12	90
			22	00	00	25
			23/1/1	00	09	36
			23/1/2	00	03	79
			23/2	00	00	25
			24/1	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		56	4/2	00	01	26
		5		00	13	15
		6/1		00	05	06
		70	3/3	00	02	78
		4		00	11	38
		7		00	08	09
		6		00	07	33
		15		00	12	14
		16/2		00	00	25
		73	21	00	11	63
		74	2	00	04	55
		3		00	09	61
		7		00	05	06
		8		00	10	12
		14/1		00	04	30
		14/2		00	09	61
		15		00	02	02
		16/1		00	04	04
		16/2		00	06	07
		25/1		00	02	78
		83	1/1	00	03	79
		1/2		00	05	56
		2/1		00	03	79
		2/2		00	00	50
		8		00	00	25
		9		00	14	16
		12		00	02	78
		13		00	08	85
		18		00	00	25
		95		00	01	51
		97		00	03	28
		103		00	02	27
		319		00	01	01

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			327	00	01	01
			331	00	01	26
			332	00	01	26
			336	00	00	25
8. NATHEHA	141	56	13	00	01	51
			17/1	00	00	50
			17/2	00	02	27
			18	00	08	09
			23	00	00	50
			24	00	13	40
	57	4	00	04	04	
		5	00	09	86	
		6	00	10	12	
		15	00	00	25	
	58	10/1	00	02	27	
		11	00	13	91	
		12/2	00	00	25	
		19	00	10	62	
		20/2	00	03	54	
		23	00	03	28	
		22/2	00	10	87	
	78	21	00	09	10	
	79	2	00	00	25	
		3	00	13	66	
		7	00	10	12	
		8	00	04	30	
		14	00	10	12	
		15/1	00	01	77	
		15/2	00	01	26	
		16	00	12	90	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		79	17	00	00	25
			25	00	04	80
		83	1	00	11	38
			2	00	02	53
			9	00	12	65
			10	00	00	25
			12	00	02	78
			13	00	09	10
			17/2	00	01	77
			18	00	13	66
			23	00	00	50
			24	00	13	91
		103	10	00	01	77
			11	00	13	66
			19	00	08	34
			20	00	05	81
			22	00	11	63
			23	00	01	77
		104	4	00	05	06
			5	00	08	60
			6	00	08	85
		109	2	00	00	25
			3	00	13	40
			7	00	07	84
			8	00	06	32
			14	00	11	89
			15	00	01	77
			16/1	00	08	34
			16/2	00	05	06

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		109	17	00	00	25
			25	00	05	31
		110	21	00	07	33
		123	21	00	01	51
		124	1	00	12	14
			2	00	01	51
			9	00	12	39
			10/1	00	00	25
			12	00	04	30
			13	00	09	86
			14	00	02	02
			16	00	01	01
			17	00	14	42
			18	00	02	53
			24	00	00	75
			25/1	00	02	78
			25/2	00	10	37
		126	5	00	00	25
		127	1	00	13	66
			2	00	03	54
			8	00	04	30
			9	00	12	39
			10	00	00	25
			13/1	00	05	56
			13/2	00	05	56
			14	00	03	79
			15	00	00	25
			16	00	13	15

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		127	17	00	05	31
		128	19	00	03	03
			20	00	12	65
			21	00	00	75
			22	00	10	87
			23	00	11	63
			24	00	07	33
			25	00	00	25
	133	8	00	07	84	
		9	00	12	39	
		10	00	12	39	
		134	1	00	12	39
			2	00	12	39
			3	00	09	86
			4/2	00	06	83
			5	00	02	02
			6	00	09	86
			7/2	00	06	83
			8	00	01	77
		135	4	00	05	31
			5	00	12	90
			165	00	02	53
			172	00	01	51
			175	00	04	30
			205	00	01	51
			211	00	01	01
			219	00	01	77
			224	00	01	01
			389	00	02	78
			591	00	02	27
			616	00	01	77
			617	00	01	26
			618	00	00	75

[F. No. R-31015/42/2009-OR-II]

B. K. DATTA, Under Secy.

श्रम एवं सोजगार मंत्रालय

नई दिल्ली, 25 नवम्बर, 2009

का.आ. 3523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय—I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 356/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-2009 को प्राप्त हुआ था।

[सं. एल 12012/182/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th November, 2009

S.O. 3523.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 356/2000) of Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Patiala and their workmen, received by the Central Government on 25-11-2009.

[No. L-12012/182/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CGIT-CUM-LABOUR
COURT,-I, CHANDIGARH**

Case No. I.D. 356/2000

Shri Surjit Singh, C/o Shri J.G. Verma, H.No. 1304, Sector-23
B, Chandigarh-160017 ...Applicant

VERSUS

The Assistant General Manager-1(P), State Bank of Patiala,
Head Office, The Mall, Patiala-147001 ...Respondent

APPEARANCES

For the Workman : None

For the Management : None

AWARD

Passed on 10-11-2009

Central Government vide notification No. L-12012/182/2000-IR (B-I), dated 25-9-2000, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala in terminating the services of Shri Surjit Singh is justified? If not, what relief the concerned workman is entitled?”

2. Case repeatedly called. None appeared for both of the parties. The reference was referred by the Central Government in 2000 and already nine years old. It appeared that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned as such to the Central Govt. for want of prosecution. Central Government be informed. File be consigned.

Chandigarh,

dated : 10-11-09

G. K. SHARMA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2009

का.आ. 3524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 76/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-2009 को प्राप्त हुआ था।

[सं. एल-12012/662/98-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th November, 2009

S.O. 3524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2006) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 25-11-2009.

[No. L-12012/662/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

Industrial Dispute Case No. 76 of 2006

BETWEEN

Sri Chaitu Lal Chakraverty, C/o Sri OP Mathur, 117/L-36,
Sarvodaya Nagar, Kanpur.

And

The Chief General Manager,
State Bank of India,
Local Head Office,
Navin Prashasnik Building, Motimahal Marg,
Hazaratganj, Lucknow and one other.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-12012/662/98-IR (B-1) dated 13-12-2006, has referred the following dispute for adjudication to this Tribunal—

2. Whether the demand of Sri Chaitu Lal Chakraverty for reemploying him under Section 25H of I.D. Act, with effect from 17-1-98 by the management of State Bank of India justified ? If so what benefit the workman is entitled to ?

3. Brief facts are—

4. In this case there was another reference made earlier to this reference which was registered as I.D. No. 105 of 99, Chaitu Lal Chakraverty versus SBI and this reference was decided. In this reference it was held that the reference was found vague and no date of termination was mentioned in the reference. Now this Ministry has made present reference.

5. In this reference both the parties have filed fresh statements. It is alleged by the applicant that he was employed with effect from 10-03-76 to perform the work of class IV employee and he was called as peon. The work was of permanent nature but the opposite party was taking the same work from him on daily wage basis but the payment was being made to him by the end of the month. He worked with effect from 10-03-76 to 16-01-78, efficiently so he demanded to regularize his services, on which the management became prejudiced and terminated his services abruptly. He was required to raise an industrial dispute, but he could not be able to enter into litigation due to financial crises. When he came to know that the opposite party has made recruitment of some boys for performing same work, he was compelled to raise an Industrial Dispute, against the management because the management has not followed the provisions of Section 2SH of the Act before making new recruitment. Due to lack of legal advice specific date of recruitment could not be mentioned in the earlier order of reference by Government of India, therefore, the award was passed against him without disturbing the merit which was published on 29-09-2006 and on his request the reference was again amended. It is also stated that after terminating the service of the applicant the opposite party has made recruitment of some new persons namely, Sri Ganga Ram, Sri Madan, Ram Bahadur, Sri Sita Nath, Sri Raja Ram and Sri Balak Ram, without complying the provisions of Section 2SH of Industrial Disputes Act. Opposite party has not invited any application from the applicant. Due to non-compliance of Section 2SH by the bank the applicant is entitled to get the appointment in place of newly appointed persons. Therefore, the action of the opposite party is unjust; arbitrary and illegal and he is entitled to the employment with effect from 17-01-78 being a retrenched employee.

6. Opposite party bank has filed the written statement. It is stated by the opposite party that before the ALC(C) bank has taken stand that he claimant was a casual labour on daily wages and he worked during the period 1976 to 1978 for 297 days. The claimant did not work for 240 days in a calendar year as required under Section 25B of the Act. It was also stated that there were a long settlement entered in between bank and Federation to given chance to the temporary employees and daily rated casual labourers for permanent absorption in the bank in the year 1987, 1988, 1991 and 95. Panels of suitable candidates in the light of above settlements were prepared and all panels were lapsed in the year 31-3-93. It is also stated that the allegations made before the ALC and in the previous claim statement and in the present claim statement are contradictory. It is stated that the name of one Raja Ram was in the panel of 1991, as is the case of the claimant, but Raja Ram also could not get appointment due to non availability of vacancy before the lapse of panel in the year 31-3-97. It is also stated that name of Balak Ram did not appear in the same panel. It is also stated that claimant was never retrenched by the bank nor junior to him are working and neither any fresh appointment has been made. It is stated that Chief General Manager, State Bank of India is unnecessary party. It is stated that the claimant was a casual labour on daily wages in Regional Stationery Department, Kanpur, and he worked for 297 days in the bank during the period 10-3-76 to 17-01-78 due to urgent need. He did not work for 240 days in 12 calendar months immediately preceding the date of alleged termination; therefore, provisions of Section 25F are not attracted. There is the prescribed procedure in the bank to make appointment and the claimant was not appointed or engaged as per procedure. It is stated that the claimant has engaged for a fixed term to fulfill the need. It is stated that under the settlement the name of the claimant was found suitable but his name could not be cleared due to non availability of the vacancies before the lapse of the panel. Therefore, the opposite party has contradicted the assertion of the claimant and prayed that the claim is not maintainable being over delayed and in the light of the preliminary objections deserves to be dismissed.

7. On the request of both the parties my learned predecessor has permitted the parties to rely on the same documentary evidence which was also in the earlier reference I. D. Case No 105 of 99. File has been summoned for perusal to decide the present reference. The claimant has filed following original documents per list no. 29/1. The documents are —

8. 1. Experience Certificate dated 08-03-79
2. Employers letter dated 27-04-79
3. Application dated 2-4-80
4. Letter dated 1-4-80
- 4 (ka) Postal receipts of the above letters

5. Letter dated 12-12-83
6. Letter dated 04-09-86
- 6 (ka). Postal receipt of above letter
7. Letter dated 24-2-88
8. Advertisement appeared on 1-8-88 in Dainik Jagaran news paper.
9. Letter of employers dated 13-8-88
10. Application on the prescribed format 10(ka). Postal receipt of the above
11. Copy of banks notice (cutting of advertisement)
12. Letter dated 9-5-91
13. Employers letter dated 10-10-91.
14. Letter dated 19-2-98
- 14 (ka). Postal receipt of above letter

9. Claimant has also filed photocopies of the documents vide Index 19/1. These are almost the same documents of which original have been filed.

10. Opposite party bank has filed list of candidates for absorption as per agreement. The opposite party has also filed certain papers along with written statement which are photocopies and is not legible. They have also filed the settlement dated 09-1-91 between State Bank of India and the Federation. Though it is legible. In the present reference no other documents has been filed.

11. Oral evidence has been adduced by both the parties in the present reference.

12. Claimant has produced himself as W.W.I. Opposite party has produced Sri S. K. Shukla, Dy. Manager, State Bank of India as witness M.W.I.

13. I have heard both the parties at length, perused the whole record present on the file of present reference as well as previous file.

14. A Short question in this case which arises to be decided is whether opposite party management has committed a breach of Section 25H of the Act and consequently whether the claimant deserves to be re-employed.

15. Opposite party has specifically stated that it is a statutory body and to employ any person in the organization there is a prescribed procedure which has to be followed otherwise no appointment can be made. The claimant has stated and admitted in the cross that he used to work on daily roll. He has referred to paper no. 28/1. I have gone through the same. It is not an appointment letter. As per this letter he has worked for 194 days in between 10-3-76 to 11-12-76, 89 days in between 11-05-77 to 14-07-77 and for 14 days with effect from 02-01-78 to 17-01-78. thus he worked only for 297 days within a span of three years. Therefore, there is no such oral or documentary

evidence from which it could be inferred that he was a permanent or regular employee. Opposite party has specifically stated that he was engaged for particular period in the Regional Stationary Department as casual labour.

16. Opposite party has stated that the claimant has not worked for 240 days in a year preceding 12 calendar months from the date of termination.

17. Section 25F provides—

No workman employed in any industry who has been in continuous services for not less than one year under an employer shall be retrenched by that employer until—

- (a) Workman has been given one months notice in writing indicating reasons for retrenchment
- (b) Workman has been paid at the time of retrenchment compensation which shall be equivalent to 15 days.....
- (c) Notice in the prescribed manner on the appropriate government

18. But to hold that someone has to be retrenched there should also exist master and servant relationship between employer and workman. If there is no such relationship and the workman is not appointed by competent authority then it cannot be held that one has been retrenched.

19. In this case it has to be seen whether he had worked for 240 days in a year preceding 12 months from the date of termination. W.W.I has himself filed a letter paper no. 28/1. He had worked up to 17-01-78 in Jan. 78 he had worked for 14 days and preceding 12months he had worked only for 89 days therefore, he did not work for 240 days in a year.

20. It has also stated by the opposite party that to give chance to the temporary employees and daily rated casual labours for permanent absorption in the bank in the year 1987, 1988, 1991 and 1995, panels of suitable candidates in the light of settlement were prepared but panels lapsed in the year 31-03-97 and the name of the claimant was in the list of panel but due to non availability of vacancies his name could not be cleared. It is also stated that the name of one Raja Ram was also in the panel of 1991 as is the case of the claimant but Raja Ram could not get appointment due to non availability of vacancies before lapse of the panels in the year 31-03-97. It is also contended by the opposite party that the name of Balak Ram did not appear in the same panel as stated by the claimant. Claimant stated in the chief that one Ganga Ram, Sitanath Mahendra and Ashok also used to work with him but they continued to work even after his termination.

21. I have examined this fact also. There is no evidence except mere saying by the complainant which cannot be formed basis of evidence.

22. Therefore, considering the aforesaid evidence and the contentions raised by the parties I do not find that there is any breach of Section 25F or Section 25H of the Industrial Disputes Act, 1947, by the opposite party. As the claimant has not acquired any statutory status and he was engaged for a particular purpose and for specific period, he could not claim that he should be re-employed under Section 25H of the Act.

23. I do not find any action of the opposite party which may be unjust arbitrary or illegal. There does not appear to be any termination.

24. Claimant has placed reliance upon a decision FLR 1993 Vol(66)page 560, Allahabad High Court, Govind Singh versus Presiding Officer, Labour Court. In this case a daily wage employee had worked for more than 4 years and his name was removed from muster roll without following Section 25 F which amounted to illegal retrenchment. But in the present case the facts are not similar.

25. He has also placed reliance 2004(100)FLR 975, Allahabad High Court in between "New Okhla Industrial Development Authority & Presiding Officer, Labour Court and others". In this case workman completing 240 days of continuous in earlier calendar year preceding 12 months on the date of retrenchment was deemed to be in continuous service. But in the present case the facts are not similar.

26. Similarly the workman could not get any relief from the case 1986 Lab I.C. 98 (SC) Workmen of American Express International Banking Corporation versus Management of American Express International Banking Corporation.

27. I have gone through the principles laid down by the Hon'ble High Court and Apex Court and rely upon it but the facts of the present case do not give any relief to the claimant.

28. Opposite party has placed reliance on a number of decisions which are—

- (a) 2004 Lab IC 3458 Allahabad High Court, UPSEB versus PO Labour Court.
- (b) 2006 Lab IC 3048 (SC), Chief Engineer Ranjit Sagar Dam versus Shyam Lal.

29. In these decisions provision Section 25-B and 25-F of I.D. Act were considered and it has been held by the Hon'ble Apex Court that the fact that the workmen had worked for 240 days or more in a year immediately preceding termination, burden is on the workman and not on the employer. In this case also there was a delay 9 years in seeking relief. Hon'ble Apex Court held no relief could be given.

30. Therefore, as per the facts of the case and the law laid down by the Hon'ble Court and the Apex Court, I find that the claimant could not be able to prove his case and opposite party has not committed any breach of any provisions of the I.D. Act.

31. Opposite party has also contended that there is a long long delay in raising the present dispute. He worked up till 1978 but he raised the dispute before the ALC in the year 1998 and the reference was sent in the year 1999. I have gone through the facts. The claimant made an explanation in the claim petition that due to wrong advice or lack of legal advice, he could not raise the dispute. Moreover he has also stated that his name was also in the panel and he was expecting that his name may be cleared in the panel. Opposite party has himself stated that the panel was prepared and the name of the claimant was there and panel lasted in the year 31-3-97. I feel that the claimant has been able to explain the delay.

32. Therefore, on this point the reference could not be termed to be delayed one.

33. Considering that the reference is decided against the claimant and it has been found that the demand of the claimant of re-employment under section 25H of the Act with effect from 17-1-78, from the opposite party is not justified.

34. Therefore, the reference is decided in favour of the opposite party and against the workman.

Dated
13-11-09

RAM PARKASH, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2009

का.आ. 3525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इन्डौर प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 108/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-2009 को प्राप्त हुआ था।

[सं. एल-12012/28/89-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th November, 2009

S.O. 3525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/89) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Indore and their workmen, received by the Central Government on 25-11-2009.

[No. L-12012/28/89-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/108/89

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Hakim Singh,
S/o Shri Devi Singh,
Kumarpura post,
Tehsil Ambala,
Distt. Morena (MP)

...Workman/Union

Versus

Regional Manager,
State Bank of Indore,
Regional Office,
Near Modi House,
Gandhi Road, Gwalior

...Management

AWARD

Passed on this 10th day of November, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/28/89-IR(B-3) dated 12th May, 1989 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of the Regional Manager, State Bank of Indore in not giving an opportunity to Shri Hakim Singh, Peon whose services were terminated on 14-12-84 for further employment while recruiting fresh hands under Section 25 (H) of the I.D. Act is justified ? If not, to what relief, is the workman entitled to ?”

2. The case of the workman, in short, is that the workman is a member of Schedule Caste of Chamar Caste. He was appointed by the management on 1-10-84 on the post of Peon. Thereafter he was disengaged from the service in spite of vacant post. It is stated that he was disengaged from service illegally against the award and Bipartite Settlement. The workman approached before the authority of the Bank but he was refused appointment. It is submitted that the reference be answered in favour of the workman.

3. The non-applicant/Bank appeared and filed written statement. The case of the non-applicant, inter alia, is that the workman was appointed as temporary Peon/Farrash at Ambah branch of the bank for 75 days against the temporary vacancy from 1-10-84 to 14-12-84 on his application. It was stipulated in his appointment letter that he would cease to be in employment of the Bank on the expiry of the above mentioned period and his temporary appointment would not entitle him for absorption in permanent service of the Bank. His employment was for a specific period and his employment came to an end on the expiry of the period of

appointment. He is not covered under any Award or Bipartite Settlement. He is also not a retrenched employee under the Industrial Disputes Act. There is a procedure of appointment even of Schedule Caste candidate. Under the circumstances, he is not entitled to any relief.

4. The only point for consideration is as to whether the workman is entitled to any relief in accordance with reference of the case.

5. The workman has not adduced any evidence. Rather he became absent and then Tribunal closed his evidence on 23-5-2006 and directed the management to adduce evidence.

6. The management has examined one witness in the case. The management witness Shri R. N. Kuriya was A.G.M in State Bank of Indore, Regional Office, Gwalior (MP). He has stated that the workman had filed an application for temporary appointment for 75 days. His application is marked as Exhibit M/1. He was appointed for the fixed period. The said order is Exhibit M/2. His evidence clearly shows that he was appointed for a fixed period and on expiry of the period, he was automatically relieved from the job. Section 2(oo)(bb) of the Industrial Disputes Act, 1947 is applicable in the case and he is not said to be a retrenched workman. This is clear that he is not entitled to any relief as his service ended on expiry of the period. This reference is answered in favour of the management.

7. In the result, the award is passed without any order of costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2009

का.आ. 3526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हन्दौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 193/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-2009 को प्राप्त हुआ था।

[सं. एल-12011/53/98-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th November, 2009

S.O. 3526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 193/99) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial

Dispute between the management of State Bank of Indore and their workmen, received by the Central Government on 25-11-2009.

[No. L-12011/53/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/193/99

Prisiding Officer : Shri Mohd. Shakir Hasan

The Asstt. General Secretary,
Akhil Bhartiya Adhikar Bank Karmchari Sangh,
Central Office, Huzrat Pul, Jhansi Nala, Opp. Ashoka
Palace, Lashkar,
Gwalior . . . Workman/Union

VERSUS

The General Manager (Operations),
State Bank of Indore, Head office,
5, Yeshwant Niwas Road, Indore. . . . Management

AWARD

Passed on this 9th day of November, 2009

I. The Government of India, Ministry of Labour vide its Notification No. L-12011/53/98-IR(B-I) dated 5-5-99 has referred the following dispute for adjudication by this Tribunal :—

" Whether the action of the management of General Manager (Operation), State Bank of Indore in not extending chowkidar allowance in respect of employees (as per list attached) is justified? If not to what relief the workmen are entitled?"

2. The case of the Union/workmen in short is that the workmen are employees of the State Bank of Indore as Farrash/Peon/Chowkidar/Guard etc. for quite sometime.

These workmen are also required to work as chowkidar in the Bank. These workmen are not being paid chowkidar allowance whereas similarly situated workmen of the Bank in the branches of Gwalior are being paid as chowkidar allowance. The Union raised this issue to the management but the management is not paying the said allowance. It is submitted that the reference be answered in their favour.

3. The non-applicant/management appeared and filed Written Statement. The case of the management is that the reference is not tenable as there is no provision in the Bipartite Settlement. The workmen were never employed or recruited in the post of chowkidar/chowkidar-cum-peon. Therefore the workmen are not entitled for any chowkidar

allowance. It is submitted that the workmen will be entitled to special allowance only so long he is incharge of such work which attracts such allowance. These workmen were never entrusted any work of chowkidar which carries special allowance and, therefore, the payment of allowance to these workmen does not arise. Under the circumstances, it is submitted that the reference be answered.

4. Now the only question is as to whether the workmen are entitled to receive chowkidar allowance from the management?

5. The Union/workmen appears to be absent subsequently and did not adduce any evidence. At last, the then Tribunal proceeded ex parte on 21-8-07 against the Union/workmen.

6. To prove the case, the management has examined one witness. The management witness Shri R. N. Kuriya is Asstt. General Manager, State Bank of Indore at Gwalior. He has stated that the workmen had never worked as chowkidar nor they are entitled for Chowkidar allowance under Bipartite Settlement. He has further stated that the work of chowkidar was never entrusted to any of the workmen and as such, they are not entitled to any special allowance. There is no other evidence in rebuttal of the evidence of the non-applicant. There is no reason to disbelieve his evidence. There is no proof on the record to establish that these workmen had ever worked as chowkidar in addition to their own duties. These workmen appears to be not entitled to any relief. This reference is decided in favour of the non-applicant Bank.

7. In the result, the award is passed ex parte without any order of costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 30 नवम्बर, 2009

का.आ. 3527.- औद्योगिक विचाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विचाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1355/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-11-2009 को प्राप्त हुआ था।

[सं. एल-40012/49/2007-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th November, 2009

S.O. 3527.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1355/2008) of Central Government Industrial Tribunal-cum-

Labour Court No. I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Posts and their workman, which was received by the Central Government on 30-11-2009.

[No. L-40012/49/2007-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 1355/2008

Shri Shiwinder Singh S/o Shri Hakam C/o Shri R.K. Singh Parmar, L-211 Brari, P.O. Partap Nagar, Nanagal Dam, Ropar.

...Applicant

Versus.

The Superintendent of Post Offices, Deptt. of Posts, Faridkot Division, Faridkot.

...Respondent

APPEARANCES

For the workman: None

For the management: None

AWARD

Passed on 17-11-09

Central Government vide notification No. L-40012/49/2007-IR(DU), dated 18-01-2008, has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of the Senior Superintendent of Post Offices, Faridkot, in terminating the services of their workman Shri Shiwinder Singh w.e.f. 02-08-2000 is legal and justified? If not, to what relief the workman is entitled to?”

2. Case repeatedly called. None appeared for both of the parties. The reference was referred by the Central Govt. in 2008 and already one year old. It appeared that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned as such to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned.

Chandigarh

17-11-09

G. K. SHARMA, Presiding Officer

नई दिल्ली, 30 नवम्बर, 2009

का.आ. 3528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म

के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I चण्डीगढ़ के पंचाट (संदर्भ संख्या 11/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-11-2009 को प्राप्त हुआ था।

[सं. एल-14012/11/97-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 30th November, 2009

S.O. 3528.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award.(Ref. No. 11/98) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 30-11-2009.

[No. L-14012/11/97-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. No. 11/98

Shri Balkar Singh S/o Shri Sawarn Singh V.&P.O. Ismailabad, Near Power House, Ismailabad-132129.

...Applicant

Versus

The Officer Incharge, Military Farm, Bir Dhantauri, P.O. Shahbad Markanda, Distt. Kurukshetra-132118.

...Respondent

APPEARANCES

For the workman: Sri Kaith

For the management: Sri K.K. Thakur

AWARD

Passed on 20-11-09

Government of India vide notification No. L-14012/11/97-IR(DU), dated 01-01-98 referred the following industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of Military Farm Bir, Dhantauri (Kurukshetra) in terminating the services of Shri Balkar Singh-Daily rated Mazdoor w.e.f. 22-12-1995 is just and legal? If not, to what relief is the workman entitled to?”

The workman in his statement of claim claimed that he joined services as labourer on 16-06-94 with the

respondent. He completed 240 days of work and consequently on completion of 240 days he was conferred the temporary status in the pay-scale Rs. 450-12-870-14-940 w.e.f. October 1995. His services were terminated without notice, one month wages in lieu of the notice or retrenchment compensation in the month of December 1995. His juniors were retained in the services and new hands were appointed, whereas, his services were terminated against the provisions of the Act. On the above mentioned facts, the workman had prayed for setting aside his termination order and for his reinstatement with back wages and other consequential benefits. The management of respondent appeared and contested the claim of the workman by filing written statement. Preliminary objections were taken by the management that respondent is not an 'industry' and relationship between workman and the management is not of industrial relations. It has been admitted by the management that on completion of 240 days of work, the workman was conferred temporary status. His services were not terminated but he himself abandoned the work. The management has further mentioned few case laws of Hon'ble the Apex Court on the issue that the services of the workman cannot be regularized. The workman was engaged for daily work of dairy farm. He was conferred the temporary status as per the policy of the Government. As no permanent vacancies are available, the services could not be regularized. On the above facts, the management has requested for dismissing the claim of the workman.

Both of the parties were afforded the opportunity for adducing evidence. Workman Shri Balkar Singh filed his affidavit and he was cross-examined by learned counsel for the management on 24-11-05. Likewise, Shri M.G. Sevaskai filed his affidavit on behalf of the management and he was cross-examined on 16-12-08.

Parties were heard at length. I have perused entire materials on record. No documents regarding the services rendered by the workman with the management was filed by the management, except the copy of the demand notice and the notice issued by the conciliation officer/ALC to the management.

The main issues for adjudication before this Tribunal are:—

- (1) Whether the management is an 'industry'?
- (2) Whether the workman has surrendered his services voluntarily, its effects?
- (3) Whether the workman has completed 240 days with the management and he was illegally terminated from the services?
- (4) Relief, if any,

On the issue of 'industry', it will be proper to say that this issue has been dealt with by Hon'ble the Apex

Court in several judicial pronouncements. The latest and applicable view is taken by Apex Court in Bangalore Water Supply and Sewerage Board and others Vs. A.Rajappa, AIR 1978, SC 548. If the ration of Bangalore Water Supply Case (*supra*) is applied in the present case, it will be proper to mention that the issue of 'industry' is to be decided by the Tribunal on the basis of work and duties conferred upon the workman by the management and discharged by the workman. As per the statement of M.W.I., Military Farm's main work is to produce milk and other milk product for the army big farms and labourers are engaged to carry out the day to day work. Workman was one of the worker to discharge the said work. Thus, apart from the fact that respondent is a military organization, the issue of 'industry' is therefore, to be decided on the work discharged by the workman. In the present case, as admitted to the management, the work discharged by the workman at the farm house was just to procure cattle feed and other such related works. The production of milk and therefore, other milk products have no concern with the military functions of the respondent. Thus, for all purposes respondent is an 'industry'. The relations between the workman and the respondent are industrial relations and this Tribunal has jurisdiction to adjudicate the reference.

On issue No. 2 & 3 it will be proper to state that it is an admitted fact that workman has completed 240 days of work with the management. The respondent filed a written statement twice and thereafter, also filed an affidavit in support of its pleadings. In all the three attempts, the respondent has admitted that the workman had completed 240 days of work with it. It is also admitted that workman was conferred temporary status on account of his completing 240 days of work with the management. Surprisingly, it was at the time of arguments, the management claimed that the temporary status was conferred wrongly as the workman had not worked for 240 days. Once a fact is alleged to be admitted, the party admitted the fact should not be allowed to withdraw the admission. It should be to prevent the miscarriage of justice that a party should be permitted to withdraw the admission. If the admission is not withdrawn, there shall be a miscarriage of justice, has to be proved by the person who challenged the admission. Meaning thereby, the management has to prove that the temporary status was conferred upon him wrongly. In all the stages, the management admitted the workman worked for more than 240 days with the management in the preceding year from the date of his termination. It was at the time of arguments only that the management raised another issue that workman has not completed 240 days and he was conferred temporary status wrongly. No documents regarding the services of the workman with the management have been filed. In the absence of any documents, though the documents are lying in the custody of the management, it will not be possible for this Tribunal to act on the casual statement made by

the management during the course of arguments and against its own admission. As stated earlier, the admission is not the conclusive proof, but it should be rebutted by the cogent evidence. There is no iota of evidence on record to prove that admission of the management suffers any illegality or ambiguity. Accordingly, I am of the view, as per the admission of the management, that workman has completed 240 days of work with management.

Another issue which has been raised by the management is, whether the workman has abandoned the work and his services were not terminated by the management? As per the statement of M.W. 1, the workman left the job on 3-12-96. The cause, why the workman left the job has not been mentioned. The workman has claimed that his services were terminated in December, 1995. There is also a notice, issued by the Conciliation Officer/ALC, issued to the management dated 6-5-96 regarding the conciliation in the matter of termination of the workman Shri Balkar Singh. It tempted me beyond my imagination, to put my finger on just, to reach a welcome point, that what was the requirement of issuing this notice, even if the workman was working with the management in May, 1996? As per the statement given by the management the workman abandoned his job on 13-12-96. It is a garlanding statement of the management and seems to have no concern with reality. The notice for conciliation was issued in May, 1996, since, as per the statement of the management, the workman surrendered the job in December, 1996 which cannot be relied upon. Moreover, all the documents regarding the attendance, payment of wages to the workman are lying with the management. No document was filed by the management. If a fact can be proved by the documentary evidence, oral garlanding words are not sufficient. The management was supposed to file all the relevant documents, which it failed. Accordingly, I am of the view that the workman has not abandoned his job but his services were terminated by the management.

It is also admitted that no notice was given to the workman nor he was paid one month wages in lieu of the notice and retrenchment compensation before termination of his services. The management has tried to confuse the matter, by linking the termination of the workman with regularization of services. The reference in question has no concern with the regularization of his services of the workman. This Tribunal has to answer the reference about the legality of the termination order. If the services of the workman, may be a daily waged worker, are terminated against the provisions of the Act, it will be an illegal act of the management. There is no prohibition for the termination of the services of the workman, but the act regulates it. As per the provisions of the Act, the services of the workman could have been terminated by giving one month notice, one month wages in lieu of notice and other terminal dues. As admitted by the management, the workman has completed 240 days of work. His services were terminated

against the provisions of the Act. Thus, the termination was void and illegal.

The next question is about the relief to be provided to the workman. Whenever, the termination order has been held to be illegal, there are two possible remedies available. First remedy is, reinstatement of the workman on the same position from which he was terminated. It has no concern with the regularization of the services but it has concern with the protection of right to work on the same position from which his services were terminated. Another remedy is a reasonable compensation to the workman.

It is also the settled law of service jurisprudence that normally the first remedy should be provided with to the workman. In ordinary case the workman should be reinstated into the services with or without back wages and other consequential relief. In exceptional cases, like where no posts are available, no work is available etc. that the Tribunal can go for another remedy for a reasonable compensation to the workman. It is the statement of MWI that farm house on which the workman was working has been closed and the permanent employees working there have been shifted to another farm house and the services of other staff were retrenched by payment of retrenchment compensation. Thus, no work is available with the management at present, and in my view, a reasonable compensation will be an adequate remedy. Now, the question arises what should be a reasonable compensation. For it, the tribunal should adopt reasonable criteria for calculating a reasonable compensation.

In my view, the following factors should be considered by the Tribunal while calculating a reasonable compensation :-

- (i) The wages (pay-scale) available to the workman at the time of retrenchment,
- (ii) Amount of retrenchment compensation,
- (iii) One month wages in lieu of notice,
- (iv) interest on the said amount,
- (v) depreciation in the money,
- (vi) inflation etc.

Considering all the factors, I am of the view that a compensation of Rs. 150,000/- will be a reasonable compensation which will meet the ends of justice. Accordingly, the management is directed to pay compensation of Rs. 1,50,000 to the workman or deposited the same in the Tribunal within one month from the date of publication of the award. It is made clear that if amount is given/paid, the management need not to pay any interest failing which the workman will be entitled for an interest at the rate of 8 per cent per annum from the date of filing the petition till final payment. Let Central Government be informed for publication of the award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2009

का. आ. 3529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे के पंचाट (संदर्भ संख्या 18/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2009 को प्राप्त हुआ था।

[सं. एल-41011/27/2006-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st December, 2009

S. O. 3529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2007) of Central Government Industrial Tribunal, Pune as shown in the Annexure in the Industrial Dispute between the management of Central Railway and their workmen, received by the Central Government on 1-12-2009.

[No. L-41011/27/2006-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. C. CHANDRAKAPURE INDUSTRIAL TRIBUNAL MUMBAI(CAMPAT PUNE)

Reference (IT) No. 18 of 2007

The Divisional Railway Manager
Central Railway, PuneFirst Party

AND
Rail Kamgar Sena,
C/o Madhya Railway Sthaniya,
Central Railway, Pune-1 ...Second Party

In The Matter of: Demand mentioned in the Schedule
to the order of Reference

Appearances : Mrs. M. G. Salunkhe, Advocate for
First Party.

Shri N. A. Kulkarni, Advocate for
Second Party.

AWARD

Date: 11-11-2009

This reference has been referred by the Central Government U/s. 10 sub-section (1) and sub-section (2A) of the Industrial Disputes Act, 1947, to adjudicate the dispute between the First Party, The Divisional Railway Manager, Central Railway, Pune and Second Party-Rail Kamgar Sena, Central Railway, Pune. The dispute pertains the demand to reinstate 13 persons who have been working as Vendor at Miraj Railway Station. It appears that on behalf

of second party, application for adjournment was filed on 17-4-2009. This was granted by the Court as last chance. Thereafter the matter was fixed from time to time for filing Statement of Claim by the Second Party. However till today, the Second Party has not filed Statement of Claim. On behalf of Second Party, application is filed at Exh. U-8. that the Second Party is not supplying the information for filing the Statement of Claim. Considering this fact, it appears that the Second Party has no interest to prosecute the matter by filing the Statement of Claim on record inspite of chances granted by this Court. The Second Party has failed to prove before the Court by filing Statement of Claim and also by producing documentary and oral evidence that the action of Central Railway by not reinstating 13 persons who were working as Vendors at Miraj Railway Station is illegal. In such circumstances, the reference is answered in negative and I proceed to pass the following order.

ORDER

1. The reference is answered in negative.

2. No order as to costs.

3. Copy of award be sent for publication.

B. C. CHANDRAKAPURE, Industrial Tribunal

Pune

Date: 11-11-2009

नई दिल्ली, 1 दिसम्बर, 2009

का. आ. 3530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 15/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-2009 को प्राप्त हुआ था।

[सं. एल-42012/61/2008-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 1st December, 2009

S. O. 3530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2009) of Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 7-9-2009.

[No. L-42012/61/2008-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. I, NEW DELHI
KARKARDOOMA COURT, COMPLEX, DELHI**

ID No. 15/2009

**Shri Ram Kumar C/o. CPWD Workers Union,
CPWD Service Centre, Sector IV, R. K. Puram,
New Delhi-110022 Workman**

Versus
The Director General of Works,
Central Public Works Department,
Nirman Bhawan,
New Delhi-110011

**2. The Executive Engineer (E),
Guru Teg Bahadur Medical College and Hospital,
Electrical Division, Shahdara,
Delhi-110095** ...Management

AWARD

Ram Kumar was working as Assistant Pump Operator in the Office of Executive Engineer (Electrical), Guru Teg Bahadur Medical College and Hospital, Delhi. as muster roll employee. He came in conflict with law and was arrested by the police. His services were terminated w.e.f. 1st of July, 96, by the Executive Engineer *vide* order dated 4-10-96. He raised a demand for reinstatement which was not conceded to by the management. Consequently, he raised a dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal *vide* letter No. L-42012/61/2008-IR (DU) dated 10-2-2009 with the following terms :—

"Whether the action of the management of DG (Works), CPWD, New Delhi and the Executive Engineer (E), Guru Teg Bahadur Medical College and Hospital, in terminating the services of their workman Shri Ram Kumar w.e.f. 4-10-96 is legal and justified? If not, to what relief the workman is entitled to?"

2. Claimant filed claim statement pleading therein that he was working as muster roll employee with the CPWD since 11-9-84. He was granted temporary status on 1-9-93. He was eligible for regularization of his job in accordance with O.M. No. 382/287-ECX dated 25-6-94. He was arrested by U.P. Police on 1-7-96 and remained in Jail for about one month. He was acquitted by the court on 27-5-03. On release on bail he informed the department about his arrest and thereafter his services were terminated *vide* order dated 4-10-96. His termination of service was illegal. He projects that neither notice nor pay in lieu thereof was given to him. No retrenchment compensation was paid to him. Since he was not found guilty of any misconduct he should be reinstated on duty with full back wages and continuity of service.

3. Notice of the claim statement was sent to the Management. Shri Deep Chand, Head Clerk, appeared and filed a letter signed by Lala Ram Harit, Executive Engineer, Electrical Maintenance Division, M-253, G.T.B. Hospital Complex Delhi, wherein it was mentioned that Electrical Maintenance Division, M-253, PWD, Government of N.C.T. of Delhi, G.T.B. Hospital Complex, Delhi, is governed by the Govt. of NCT Delhi. Except the said communication no other facts were presented on behalf of the management.

4. An opportunity was given to the workman to present his facts over that communication. Shri D. Sharma A/R of the workman presented his objections to that letter detailing therein that Ram Kumar was not an employee of PWD. He presents that Ram Kumar was an employee of CPWD and a common seniority list is prepared in that regard. According to him, though Ram Kumar works under Executive Engineer Electrical Maintenance Division, M-253 GTB Hospital Complex Delhi, yet he is an employee of CPWD. He presents that this Tribunal is competent to adjudicate the matter.

5. Communication of Lala Ram Harit, Executive Engineer, Electrical Maintenance Division, M-253 G.T.B. makes it clear that the said office is Government by Government of N.C.T. of Delhi. That office falls under PWD, Government of N.C.T. Delhi and not under CPWD, New Delhi. Considering these facts a question for consideration comes as to whether the Central Government was the appropriate Government for making reference of this Dispute. Clause (a) of Section 2 of the Industrial Disputes Act, 1947 (in short the Act) defines the appropriate Government thus :

(a) "appropriate Government" means,—

(i) in relation to any industrial disputes concerned (* * *) any industry carried on by or under the authority of the Central Government (*) or by a railway company (or concerning any such controlled industry as may be specified in this behalf by the Central Government (***) or in relation to an Industrial Dispute concerning (a) Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India Established under Section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948), or the Employees' State Insurance Corporation established under Section 3 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5-A and Section 5-B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the "Indian Airlines"

and "Air India" Corporations established under Section 3 of the Air Corporations Act, 1953 (27 of 1953), or the Life Insurance Corporation of India established under Section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Commission established under Section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959), or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under Section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under Section 3, or a Board of Management established for two or more continuous States under Section 16 of the Food Corporations Act, 1964 (37 of 1964), or the International Airports Authority of India constituted under Section 3 of the International Airports Authority of India Act, 1971 (43 of 1971), or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Corporation of India Limited or (the Banking Service Commission established, under Section 3 of the Banking Service Commission Act, 1975, or) (a banking or an insurance company, a mine, an oil-field), (a Cantonment Board,) or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the State Government :

6. P.W.D., Government of N.C.T. Delhi, is not governed by the Central Government. Therefore, Central Government was not appropriate Government for the purpose of this dispute. Till 6th of June, 2006 employees of PWD, Govt. of NCT, Delhi, used to seek advice from the Directorate General (Works) CPWD, New Delhi. Vide communication No. 22/21/2006 ECX dated 6-6-06 they were advised to seek such an advice from their Engineer-in-Chief PWD, Govt. of NCT, Delhi. Prior to that date such advice were being sought and in that situation communications dated 20-10-05 was addressed by Shri Sanjay Sharma, Section Officer, ECX, CPWD, New Delhi to Executive Engineer, GTB Hospital, Electrical Division, Government of N.C.T. Delhi. Letter was also written by the Executive Engineer to Surender Singh, Desk Officer, on 2-3-09 in that connection. However, these communications nowhere suggest that the said Electrical Division was under control and supervision of CPWD, New Delhi.

7. An employee working under control and supervision of the State Government cannot claim himself to be an employee of the Central Government. Claim

projected by Ram Kumar that he was an employee of CPWD, New Delhi, does not hold water. Under these circumstance Central Government was not competent Government to make reference of the dispute to this Tribunal for adjudication. The reference made under clause (d) of sub-section (1) of Section 10 of the Act has been made in a mechanical manner, without application of any mind. Since the Central Government is not the appropriate Government hence by making this reference to this Tribunal, no jurisdiction would be vested in it. Accordingly it is concluded that reference of the dispute to this Tribunal by the Central Government is not competent. The Tribunal restrains its hands from proceeding with the adjudication of the matter for want of jurisdiction. Award is accordingly passed.

Dr. R. K. YADAV, Presiding Officer

Dated 13-8-2009

नई दिल्ली, 1 दिसम्बर, 2009

का. आ. 3531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 278/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-11-2009 को प्राप्त हुआ था।

[सं. एल-12012/148/99-आई आर (बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 1st December, 2009

S. O. 3531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 278/1999) of Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Central Bank of India and their workmen which was received by the Central Government on 30-11-2009.

[No. L-12012/148/99-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHRAM BHAWAN, ATI
CAMPUS,
UDYOG NAGAR, KANPUR**

Industrial Dispute No. 278 of 99

In the matter of dispute between-
The Regional Secretary,
Central Bank Works Organization, U.P.,
D-614, Kamla Nagar, Agra.

AND

The Regional Manager,
Central Bank of India,
Sanjay Place, Regional Office,
Agra.

AWARD

1. The Central Government, MOL, New Delhi, *vide* its notification No. L-12012/148/99-IR (B-II) dated 06-10-99, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the Regional Manager, Central Bank of India, Agra in debarring Sh. M. P. Singh and Sh. Lal Chand from the post of CTO and posting of juniors to them to the post of CTO is legal and justified? If not what relief the workmen are entitled to?

3. Brief facts are—

4. It is alleged that the Regional Manager of Central Bank of India *vide* its letter dated 6-3-98, has sought the applications from the willing workers from the clerical cadre for its branches at Tundla, Etah and Kasganj for six posts of CTOs. Thereafter, Regional Manager's office at Agra *vide* its letter dated 29-06-98 instead of places six it was extended up to 9 and the places Cantt. was also included, out of which one post of Tajganj and 4 posts at Agra Cantt. had already been filled and process for recruiting 9 posts started. Interview and aptitude test was conducted on 18-7-98 which was published on 02-09-98 and 15 candidates have passed. It was ordered on 21-9-98 that out of these 15 candidates who are first 9 candidates they were directed to join the duty. Thereon, who were willing to join the post of CTO were relieved. Smt. Madhu Bala Agrawal who stood at serial 9 was posted as CTO at Tundla Branch, and she was relieved from Agra Branch on 19-9-98 but she did not join and she went on leave. Regional Office again on 28-9-98 directed the Agra Branch that Smt. Agrawal to be permitted to work at Agra branch. In the clerical cadre. In this way when she did not join, as per rules of the bank she was debarred for 12 months for appointment but the bank knowingly did not debar her and process was stopped. Thereafter on 28-10-98 Smt. Agrawal was appointed as CTO at Tajganj Branch where as one Sri S. K. Bharti has already been appointed for the post of CTO, there being only one post. As per letter dated 28-10-98 Regional Office of Agra Cantt. posted Sri Lal Chand Sharma at Agra Cantt. and Sri Megh Singh was posted at Tundla and Sri M. P. Singh, who, was posted at Tajganj were posted for the post of CTO at Tundla whereas there were only two posts sanctioned at Tundla branch. He wrote letters dated 26-10-98 and 3-11-98 to the bank but no heed was given. Therefore Sri Sharma and Sri Singh were debarred without any reason by the bank ignoring the rules, whereas Sri Sharma and Sri Singh never refused to accept the appointment. Moreover Sri Sharma and Sri Singh were never relieved for Tundla Branch. Thereafter on 17-11-98

bank entered into a new agreement according to which no clerks will be sent outside the city for the post of CTO. Bank without following the provisions, debarred both the employee in an arbitrary way after 17-11-98. Therefore, he has alleged that Smt. Agrawal was wrongly appointed as CTO and Sri Lal Chand and Sri M. P. Singh were wrongly debarred and prayed that appointment of Smt. Agrawal be set aside and Sri Lal Chand and Sri M. P. Singh be permitted to join the post of CTO from the date when they were debarred.

5. Opposite party bank has filed its written statement. It is stated by them that Smt. Agrawal was on leave and so she could not be relieved for joining duty at Tundla branch on 19-9-98 and she was not served. It was observed from the interse- seniority list of selected candidates as per circular dated 2-9-98 which is (Annexure-1) Smt. Agrawal was senior to Sri Lal Chand and M. P. Singh. She was allowed to join the duties at Agra and later on one more vacancy at Tajganj branch has arisen and also considering the fact that she being a lady, she was given post of CTO at our Tajganj Branch. Under these circumstances she was not debarred for 12 months. After completion of process of selected 9 candidates posting orders of next empanelled selected candidates were issued including Sri M. P. Singh and Lal Chand. Under the provision of promotion policy agreement of award staff as amended from time to time as enumerated in Central Office Circular dated 7-11-97 (Annexure-2) the selection of CTO, was to be held on the basis of Region wise seniority and accordingly the selected candidates were to be posted at any of the branch under the Region where vacancy exists. As such Sri Lal Chand and Sri M. P. Singh were given posting as CTO for Tundla branch where the vacancy was existing. Those posting orders were rightly issued to Sri Lal Chand and Sri M P Singh for Tundla and also one other selected candidate Sri Megh Singh who joined his duty after accepting the same. It is stated that the branch has lawfully relieved, the workmen Sri. Sharma and Sri Singh but the workmen have deliberately and intentionally avoided to receive the relieving orders and thus the service were effected through posting orders on notice board. It is stated that the provisions of the settlement was not applicable at that point of time. Copy of circular dated 5-12-98 is enclosed. It is stated that when the workmen did not report for posting at Tundla they were debarred on 1-12-98 strictly as per promotion policy. It is stated that after opening of the debarment of Sri Singh he applied for promotion as Head Cashier Category (E) and after found successful Sri Singh was given posting at Branch Office Jammaszid, Agra.

6. The post of head cashier attracts higher allowance than the CTO as he has applied for the post of head cashier so he has waived his right to pursue for the post of CTO. After opening of debarment of Sri Lal Chand he also applied for CTO and has been declared successful. His name is empanelled at serial no.7 of the merit list and very soon he

will be given posting as and when vacancy arises, hence Sri Lal Chand has also waived his right. It is stated that the present matter does not fall within the Industrial Disputes Act.

7. After contradicting the averments of the claim petition it is stated that the posting of Smt. Agrawal was not against policy and the debarment of Lal Chand and Sri Singh was also not against the policy, therefore, they are not entitled for any relief.

8. Claimant has also filed rejoinder. In the rejoinder it is again averred that Smt. Agrawal when she did not join she should have been debarred from promotion and new candidates from the panel list should have been appointed. Except above, the union has said nothing new in the rejoinder.

9. The claimant has filed certain documents along with claim petition. These are circulars dated 6-3-98, selection of clerical staff to the post of CTO, letter dated 29-6-98, wherein vacancies have increased, letter dated 3-9-98, memorandum of agreement dated 26-9-98 and circular dated 5-12-98, letter dated 12-4-98, letter dated 10-11-98, letter dated 3-11-98, letter dated 26-10-98.

10. Opposite party bank has also filed the documents along with written statement and with the application. These documents are circular dated 3-9-98 which shows the creation of the CTO Post, memorandum of agreement dated 26-9-97, circular dated 5-12-98, and memorandum of settlement entered into Bank and All India Central Bank Employees Federation.

11. Bank has also filed vide list 14/1 a few documents which are -1. Regional Office Circular no. 40 dated 6-3-98, 2. Posting letter dated 28-10-98 of M.P. Singh, 3. Representation of Sri M.P Singh, 4. Debarment letter of M. P. Singh, 5. Posting letter of Sri M. P. Singh as head cashier "E" dated 26-8-2000, 7. Posting letter of Lal Chand dated 28-10-98, 8. Representation of Lal Chand dated 6-11-98, 9. Debarment letter of Lal Chand dated 1-12-98 and 10. Selection list of candidates of CTO dated 16-8-2000.

12. No oral evidence have been adduced by any of the parties despite giving sufficient opportunity.

13. I have perused the whole case documentary evidence as well as heard the arguments of the parties.

14. opposite party has specifically stated that they have not committed any breach of the provisions. They have stated that both the workmen Sri Singh and Sri Sharma when did not join the duties for the post of CTO even after their relieving order were debarred for further promotion. It is also argued that Sri M. P. Singh had already applied for promotion for the post of Head Cashier and he had joined for the same post which attracts higher allowance. It is contended that he has waived his right to pursue for the post of CTO. It is also contended that after opening of debarment of Lal Chand his name has again been empanelled in the list of successful candidates and he will be appointed as and when vacancy arises.

15. These are such type of the pleadings, in my view, if there is anything wrong in these contention the burden lies on the workman to prove. But they have not adduced any oral evidence to contradict such pleadings. In the arguments opposite party has specifically denied that there has been any breach of circular and policy of the bank. It is also contended that Smt. Madhu Bala Agrawal was not provided any especial privilege.

16. Therefore, in view of the above, it appears that the opposite party has not committed any breach in debarring Sri M. P. Singh and Sri Lal Chand. Workmen have failed to prove their case.

17. Accordingly award is answered against the Union and in favour of the Bank.

Dated 24-1-09

RAM PARKASH, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2009

का. आ. 3532.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम च्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी. जी.आई.टी. 2/101/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2009 को प्राप्त हुआ था।

[स. एल-12011/106/2000-आई.आर. (बी.-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 2nd December, 2009

S. O. 3532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/101/2000) of Central Government Industrial Tribunal/Labour Court No. 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the between the employees in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 30-10-2009.

[No. L-12011/106/2009-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

SH.A. A. Lad, Presiding Officer

Reference No. CGIT-2/101 OF 2000

Employers in Relation to the Management of
Bank of Baroda

The Assistant Manager,
Bank of Baroda,
18th Flr; Stock Exchange Building,
Dala Street, Mumbai-400 001

First Party

V/S.

Their Workmen
The Joint Secretary,
Bank of Baroda Employees Trade Union Congress,
Flat No. 3, 79, Hindu Colony, Dadar,
Mumbai-400 014. Second Party

APPEARANCE

For the Employer : Mr. Lancy D'Souza &
Mrs. Merlyn B. D'Souza,
Representatives.

For the Workman : Mr. M.B. Anchan,
Advocate.

Date of reserving the Award : 08-05-2009.

Date of passing the Award : 11-9-2009.

AWARD-PART II

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-1201 I/106/2000/IR (B-II) dated 12th October, 2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Baroda, Mumbai, in dismissing the service of Smt. Asha Chandrakant Shenvi is justified and proper? If not, then what relief the workman is entitled to?

2. To support the subject matter involved in the reference 2nd Party filed Statement of Claim at Exhibit 7 stating and contending that, the concerned person Smt. Asha Chanderkant Shenvi is a Member of the 2nd Party Union which is affiliated to INBEF/INTUC. The INBEF is registered under the Trade Union Act, 1926 and is functioning in the Banking sector. She was on permanent roll of employment of the 1st Party. She started working with 1st Party as a Clerk-cum-Cashier in its C. P. Tank Branch from 14-12-1983 and served for 8 years on that post as a permanent employee. Initially she worked in the Saving Bank Department and thereafter transferred to Prathna Samaj Branch in the same Department where she was assigned work of Dispatch Clerk from August, 1990.

3. While she was working as a Dispatch Clerk she had to look after the collection of Government forms. She was doing the work of Dispatch Clerk with the help of a Peon and one officer. According to Union as a matter of practice if someone is absent the 2nd Party Workman involved in the reference, was asked to look after the work of the said absentee employee. In fact in her absence work of Dispatch Clerk was done by the Peon of the said Department. The Union further states that, the 1st Party is a nationalized Bank and has its registered office at the

address mentioned in the title and more than 100 employees are working in the said office. The employees working with the 1st Party are governed by the service Rules and the provisions of Chapter V B of the Industrial Disputes Act, 1947 applicable to the employees of the Bank. Concerned Workman was discharging her duties diligently and punctually.

4. On the 5th July, 1991 said Workman was put under suspension during pendency of the enquiry. She was issued charge sheet dated 8-2-1992. The allegations of misappropriation of an amount of Rs.31/721.50 were levelled against the concerned workman under Clause 19.5 (j) of the Bipartite settlement dated 19th October, 1996. The said charge was denied by the concerned Workman vide her reply dated 24th February, 1992. Since 1st Party found that, the said explanation was not satisfactory the Disciplinary Authority appointed Enquiry Officer to conduct an enquiry on the charges levelled against concerned Workman. Shri R.C. Almedia was appointed as an Enquiry Officer. Enquiry was held and Enquiry Officer submitted report holding Workman as responsible and guilty of the charge of misconduct levelled against the concerned Workman under Clause 19.5 (j) of the Bipartite Settlement dated 19th October, 1996. According to 2nd Party Union, the enquiry conducted against the concerned Workman was not fair and proper. She was not given the documents on which 1st Party relied to conclude and hold the 2nd Party Workman guilty of the charges levelled against her. Besides Enquiry Officer did not allow her to be represented by her Advocate. Even the Enquiry Officer failed to consider her case that, she was not paid the subsistence allowance during the period of her suspension and erred in holding the 2nd Party Workman guilty even in the absence of the payment of the subsistence allowances, which was required to be paid during the pendency of the enquiry. According to 2nd Party Union, Enquiry Officer has not given fair and proper opportunity to the 2nd Party Workman to participate in the enquiry. The Enquiry Officer did understand the procedure of the Dispatch Department and even did not follow proper procedure and help guiding 1st Party to lead the evidence to favour the 1st Party and convict the concerned Workman. His finding was perverse and was not on the basis of the evidence lead by the 1st Party. Even Appeal made by the concerned Workman before the Disciplinary Authority was turned down without giving any reason. So it is submitted that, enquiry be vitiated and findings given by the Enquiry Officer be declared not proper and given without following proper procedure. The Union also states that, the decision taken by the 1st Party to terminate the services of the concerned Workman is vague and perverse finding is required to set aside with directions to 1st Party to reinstate her with benefits of back wages and continuity of service.

5. This prayer is disputed by 1st Party by filing Written Statement at Exhibit 9 making out a case that, fair

and proper opportunity was given to the concerned Workman to participate in the enquiry. Before imposing the punishment, her explanation was called. Full opportunity was given to the concerned Workman to participate in the enquiry with the help of his representative who has sufficient experience in conducting enquiries of this type. Full opportunity was given to the concerned Workman and her representative to take part in the enquiry and participate in it. It is stated by the 1st Party that, enquiry was conducted fairly and properly by following principles of natural justice. It is also stated that, the finding given by the Enquiry Officer is on the basis of the evidence lead before him and has found grounds. It is denied that, enquiry was not fair and proper. It is denied that, finding given by Enquiry Officer is perverse. It is denied that, fair and proper opportunity was not given to the concerned workman. It is contended that, the 2nd Party Workman herself initially decided to be represented through one Shri Pradeep Joshi, the Secretary of the Union, as her Defence Representative and thereafter by one Shri T. H. Naidu who was the General Secretary of her Union. The decision taken by the Enquiry Officer for not allowing the concerned Workman to be represented through her Advocate was the decision relying on the rules and regulations. So it is submitted that, the enquiry conducted was fair and proper and the findings given on it are not perverse. So it is submitted that, the decision taken on the basis of finding given by the Enquiry Officer of termination and looking to the nature of the misconduct leveled on the concerned Workman is just and proper.

6. Rejoinder is filed by Union at II stating and contending that, it did not admit the contentions taken by the 1st Party in paragraphs 3 and 4 of the written statement. It is contended that, the concerned workman was attached to the Savings Bank Department and assigned job of dispatch whenever Clerk of the Dispatch Department remained absent. It is further contended that, the concerned workman did not misappropriate Rs. 31,721 as alleged in the charge sheet. It is stated that, since there was shortage of persons and since concerned workman was working in the Dispatch Department so she was served with the charge sheet and actually she is not responsible for the same. It is stated by the Union that, it is not due to administrative convenience of the 1st Party as alleged in paragraphs 5 and 6 of the written statement. It is further stated that, the Enquiry Officer did not agree with the charges levelled against the concerned workman requested to record her evidence in the enquiry, however, she was not permitted to depose in the enquiry. It is further stated that, even she requested Enquiry Officer to issue witness summons but Enquiry Officer refused to do so. It is stated that, nobody was examined on behalf of the 2nd Party since it was not proper to do so. It is stated that, even services of the Advocate were not made available to the concerned workman. It is stated that, finding of the Enquiry Officer is perverse and the Bank has not proved the charges against

the concerned workman. It is stated that, since concerned Workman attended work of Dispatch Clerk in the absence of regular Dispatch Clerk she was involved in the charges. It is stated that, key of the Cash Box was lying in the drawer of the Dispatch Department. It is stated that, Peon Shri Chile was handling the cash whenever she was busy in other Department. It is stated that, even said Peon Shri Chile was writing postage register. It is stated that, the said Peon Shri Chile was preparing the Postage covers, affixing stamps and giving to the concerned workman to do the entries in the dispatch register. It is stated that, even said Peon Shri Chile was affixing extra stamp and whenever he went to post the letters, he was removing extra stamps and using same for his own benefit which was not considered by the Enquiry Officer. It is stated that, on that day she was only preparing urgent registered letters and correspondence. It is stated that, since she was having heavy work it was not possible for her to look for all the things personally without the help of anybody. It is stated that, there was shortage of Rs. 100 in postal stamps which happened due to this and due to the help taken of Shri Chile which was not considered by the Enquiry Officer. It is stated that, she was called in the cabin of the Manager where she was interrogated by the Regional Officer on that point. It is stated that, at that time she learnt that, there was excess cash in the Cash Box. It is stated that, again she was called in the cabin of Mr. Wadia, the Manager and Incharge and by Mr. H. R. Rao where it was informed by them, that there was some difference in the postage account and was intimated by them that, due to her mistake it had happened and she was threatened. It is stated that, due to said scare and threats given by the said officers, she gave in writing as dictated by the officers. It is stated that, subsequently she was suspended by order dated 4-7-1991. It is stated that, contentions taken by 1st Party in paras 11 and 12 of the written statement are not admitted to the concerned Workman. It is further stated that, the contentions taken in paras 13 to 15, 16 to 42 of the written statement are not admitted to the concerned workman.

7. In view of the above pleadings my Ld. Predecessor framed the Issues at Exhibit 12. Out of them Issue No. 1 and 2 were decided as preliminary Issues by passing Award I dated 26th July, 2007, deciding enquiry as fair and proper and finding not perverse.

8. Now, issue whether decision taken by 1st Party of dismissal of services of 2nd Party is just and proper is taken for consideration which I answer against it as follows :

ISSUES

3. Whether the action of the Management of Bank of Baroda, Mumbai in dismissing the service of Smt. Asha Chandrakant Shenvi is justified and proper?

FINDINGS

Yes

4. What relief the workman is entitled to?
No relief.

Reasons :

Issues Nos. 3 and 4 :

9. In this case concerned workman was charged sheeted for committing misappropriation of amount of Rs. 31,721.50 and accordingly charge sheet was served on the concerned Workman. She was charged under Clause 19.5 (j) of the First Bipartite settlement dated 19-10-1996. Said charge was denied by the concerned Workman by her reply dated 4-2-1992. Since explanation given by the concerned workman was found unsatisfactory, Disciplinary Authority decided to proceed against the concerned workman by appointing Mr. R. C. Almeida as Enquiry Officer. It is stated that, enquiry was conducted by giving full opportunity to the concerned workman. It is their case that, after recording evidence Enquiry Officer observed concerned Workman guilty of the charge leveled against him and held guilty under Clause 19.5 of First Bipartite Agreement and accordingly action was taken against her of dismissal.

10. While deciding Part I Award this Tribunal observed enquiry fair, proper and finding not perverse. Said is not challenged by the concerned workman.

11. Now, point of action taken by the 1st Party against the concerned Workman remain to be considered.

12. No new evidence is led by the concerned workman as well as by 1st Party but written arguments are filed by both the parties, on the point of action taken by the 1st party, at Exhibit 70 and at Exhibit 72 respectively.

13. Perused written arguments submitted by both. Here no additional evidence is led by either party. Besides order passed in Award Part I holding enquiry fair and proper and finding not perverse is not challenged by the concerned workman. That means finding given by the Enquiry Officer remains as it is. It is to be noted that, relying on the said finding action of dismissal was taken by the 1st Party. Said finding reveals that, charge of misappropriation leveled against the concerned Workman is proved. The Ld. Advocate for the 1st Party in support of his case, placed reliance on the citation published in 2003 I CLR page 712 (SC) in the case of Regional Manager, U.P.S.R.T.C., Etwah & ors. vs. Motilal & anr. (2) citation published in 1997 (4) LLN page 424 (Bombay H.C.) in the case of Balaji Maruti Gadegaonkar vs. Managing Director, Maharashtra State Co-op. Land Development Bank, Bombay & ors., (3) citation published in 2008 I CLR page 847 (SC) in the case of U.P. State Road Transport Corporation vs. Vinod Kumar, (4) citation published in 2008 LLR page 790 (SC) in the case of

State Bank of India & ors. v/s. S. N. Goyal, (5) citation published in 2001 III CLR page 325 (Bombay High Court) in the case of P.G. Mahajan vs. The Director, International Airport Authority of India & anr., (6) citation published in 2000 III CLR page 568 (SC) in the case of Janta Bazar (South Kanara Central Co-op. Wholesale Stores Ltd. etc. vs. Secretary Shahakari Naukarana Sangha etc., (7) citation published in 2007 (I) LLN page 780 (SC) in the case of Suresh Pathrella vs. Oriental Bank of Commerce and (8) citation published in 1993 II CLR page 1078 (Bombay High Court) in the case of Ashok K. Bochare vs. Nagpur District Central Co-operative Bank Ltd. and submitted that, when misconduct is proved in such a case action taken by the Management cannot be interfered by the Tribunal sitting under Section 11 A of the Industrial Disputes Act, 1947. It is pointed out that, money kept in the Bank is the public money and if misappropriation of said amount is done and proved in such a case, lenient view is not at all expected and it is not proper to interfere in the quantum of punishment awarded by the concerned authority. Here in the written arguments submitted by the 2nd Party at Exhibit 70 on the fairness of the enquiry and finding of the Enquiry Officer is argued, which in fact is not the stage and which in fact is also not warranted at this stage. Besides in the rejoinder number of things are mentioned by the Union on the evidence recorded before the Enquiry Officer and finding given by the Enquiry Officer. However, no evidence is led as to how evidence brought on record support the defence taken by the 2nd Party Union. Here charge of misappropriation of public money was leveled against the concerned workman. Even Enquiry Officer after recording evidence gave finding to that effect. Even in the departmental appeal said was not set aside and was confirmed by the Appellate Authority. Even Disciplinary Authority considered the charges leveled against the concerned workman, its gravity and the place where concerned workman was working and gave punishment of dismissal. In my considered view at this stage it is not required to interfere. So I conclude that, the action taken by the 1st Party of dismissal is just and proper and does not require interference.

(14) Considering all these things and the case made out by both I conclude that, the 2nd Party is not entitled to any relief. Hence, the order :

ORDER

Reference is rejected with
no order as to its costs.

A. A. LAD, Presiding Officer
Bombay,
11th September, 2009.

नई दिल्ली, 2 दिसम्बर, 2009

का.आ. 3533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 16/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/153/2006-आई. आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd December, 2009

S.O. 3533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2007) of Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 2-12-2009.

[No. L-22012/153/2006-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 16 of 2007.

Parties : The General Manager, Sripur Area office of M/s. ECL, Sripur Bazar, Burdwan

VERSUS

General Secretary, Koyla Mazdoor Congress, Gorai Mansion, G. T. Road, Asansol, Burdwan.

Representatives

For the Management : None

For the Union (workman) : None

Industry : Coal State : West Bengal

Dated the 27th August, 2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour *vide* its letter No. L-22012/153/2006-IR(CM-II) dated the 6th March, 2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Sripur Area Office of ECL over denial of pay protection in respect of Sri Sunil Bhandari w.e.f. 8-4-1989 is legal

and is justified? If not, what relief the concerned workman is entitled ?”

Having received the Order No. L-22012/153/2006-IR (CM-II) dated the 6th March, 2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 16 of 2007 was registered on 3rd May, 2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERD

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2009

का.आ. 3534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं विकारोत्तिया वेस्ट कोलोरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट (संदर्भ संख्या 166/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/234/1999-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd December, 2009

S.O. 3534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 166/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Victoria West Colliery and their workman, which was received by the Central Government on 2-12-2009.

[No. L-22012/234//1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANOL**

Present : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 166 of 1999.

Parties : Industrial Dispute between Management of Victoria West Colliery, Barakar, Burdwan.

Vrs.

Their Workman

REPRESENTATIVES

For the Management : P. K. Das, Advocate.

For the Union (Workman) : S. K. Singh, Janta Mazoor Sangh (HMS).

Industry : Coal State : West Bengal

Dated the 28th August, 2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/234/99-IR (CM-II) dated 17-11-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of Victoria West Colliery in depriving the promotion of Sh. Babu Lal Singh and Barun Chandra Dey from Category IV to V by holding of DPC on unfair criteria was appropriate, fair and justified ? If not, to what relief the workmen are entitled to ?"

2. On receipt of the Order No. L-22012/234/99-IR (CM-II) dated 17-11-1999 of the above mentioned reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 166 of 1999 was registered on 6-12-1999. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

3. The case of the workmen as per their pleadings is that the workmen namely Sri Babu Lal Singh and Sri Baruch Ch. Dey both Fitter in category IV having served 14 years and 11 years respectively were denied promotion by the Management which promoted two junior persons (named in the written statement). There has been foul play by the Members of the D.P.C. in adopting promotion criteria. The

seniority-cum-merit criteria has not been considered and seniority marking has not been nationally done. Alleging discriminations the union has urged for an award in favour to the workmen.

4. Management case shun of all details is that the D.P.C. duly constituted under the order of the competent authority cosidered the seniority, qualification,C.C.R. and individual performance to find suitability for the promotion in the category of the concerned workmen from C-IV to C-V. The workmen as well as the junior workman namely Sri Anand Kumar secured same mark but the latter being a matriculate and having secured higher mark on C.C.R. and Trade Test count was given promotion. Further as only one post for general category was available, it was filled up by Sri Anand Kumar's promotion. Denying the allegation of discrimination and foul play the Management asserts that their action is justified and the workmen are entitled to no relief.

5. On going through the pleadings of the parties, documents relied and submission made by respective representatives of the parties, it is found that the parties are at variance on the question of the criteria adopted by the D.P.C. in considering the promotion case of eligible Fitter of C-IV to C-V. There has been no denial of the fact that two vacancies in category V was available at the relevant period out of which one post was reserved for Scheduled Caste as per Roster point. Also it is found that the D.P.C. with the Agent as the Chairman has adopted the Seniority-cum-Merit policy for the promotion as reflected from the documents filed (now marked Ext. M-1). The Management admits that the present workmen and Sri Anand Kumar have secured equal marks but as the latter a matriculate he was preferred for promotion. The comparative statement(Extn.-2) prepared by the D.P.C. showing details of the fair selection indeed indicates that the scale tilted in favour of Anand Kumar as because he was given 10 marks on qualification count. The facts remain that only one post was available in the general category as another post was reserved on roster point and as such the case in hand is directed against only one post which has been filled up by promotion of Anand Kumar. Workman Babu Lal Singh is senior to Anand Kumar in service as well as in age since he joined in the year 1971 as against Anand Kumar who joined on 10-04-1980 which has been reflected in Extn. -2. Now the question arises whether on ground of qualification workman Babu Lal Singh can be deprived of his promotion. Needless to say that the other workman namely Barun Ch. Dey being junior to Anand Kumar in all count has certanily no case at all. So far the qualification as a criteria for promotion is concerned there is no legal prescription. At least Management has not claimed so the cadre scheme for Electrical and Mechanical Discipline employees (Annexure-VII at Sl.2) show that the eligibility for promotion for C-IV to C-V is (i) 3 years experience as helper in Category II and (ii) 2 years for Matriculate with

I.T.I. Sri Anand Kumar is simply a matriculate and not a matriculate with I.T.I. to lay hand in the post by promotion superseding Sri Babu Lal Singh. There is nothing to find that without requisite higher qualification. The junior will have an edge over the senior and will excel in the performance resulting in more output or at all the marginal productivity will be more. Arbitrary fixation of criteria very often breeds and entail favouritism and cannot be considered reasonable. In absence of any legal prescription to give weightage over the seniority, the claim of the union in as much it relates to the workman Babu Lal Singh can not be discarded. It is thus held that the action of the management in depriving promotion to Sri Babu Lal Singh (only) from category IV to V is not justified as it based on unfair criteria in selection. Consequently, concerned workman is entitled to promotion from the date of his separation and all consequential service benefit.

ORDER

Let an award be and same is passed in terms of above findings. Copy of the award be sent to the Ministry of Labour & Employment, Govt. of India, New Delhi.

MANORANJAN PATTNAIK, Presiding Officer
नई दिल्ली, 2 दिसम्बर, 2009

का.आ. 3535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रप न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 30/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2009 को प्राप्त हुआ था।

[सं. एल.-22012/243/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd December, 2009

S.O. 3535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 2-12-2009.

[No. L-22012/243/2006-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer.

Reference No. 30 of 2007.

Parties : The Agent, Amritnagar Colliery of M/s. ECL, Raniganj, Burdwan.

Vrs

Secretary, Koyla Mazdoor Congress, Gorai Mansion, G. T. Road, Asansol, Burdwan.

REPRESENTATIVES

For the Management :	None
For the Union (Workman) :	None
Industry : Coal	State : West Bengal

Dated : 27-08-2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/243/2006-IR (CM-II) dated 16-04-2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Amritnagar Colliery of ECL in dismissing Shri Mukesh Tanti, from service w.e.f. 13-07-2001 is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order No. L-22012/243/2006-IR (CM-II) dated 16-04-2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 30 of 2007 was registered on 3-5-2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman’s no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence :

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is, accordingly, disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

मैसर्स बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट (संदर्भ संख्या 118/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल.-20012/96/88-डी-3(ए)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 118/88) of Central Government Industrial Tribunal No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management to M/s. BCCL and their workmen, which was received by the Central Government on 3-12-2009.

[No. L-20012/96/88-D-3(A)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d) of I. D. Act, 1947.

Reference No. 118/1988.

Parites : Employers in relation to the management of K.O.C.P. Dhansar of M/s. B.C.C. Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer.

APPEARANCES

For the Employers : None

For the Workman : None

State : Jharkhand Industry : Coal

Dated the 4th November, 2009

AWARD

By order No. L-20012/96/88-D-3(A) dated 2-8-1988 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the I. D. Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of KOCP/ Dhansar, Kusunda Area of M/s. BCCL in denying upgradation to Sri Bhim Saw, Fitter, Grade ‘D’ w.e.f. 16-11-86 is justified? If not to what relief the workman is entitled”? ”

2. On 23-10-2009 was the date fixed for adducing evidence by the management by sending notice by speed post. In spite of that even on 23-10-2009 none of the parties appeared to take any step in the matter. It, therefore, appears that neither the management nor the concerned workman is interested to proceed with the case.

3. In such circumstances, I render a ‘No. Dispute’ Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण से. 1, धनबाद के पंचाट (संदर्भ संख्या 144/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल.-20012/346/89-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 144/90) of Central Government Industrial Tribunal No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management to M/s. BCCL and their workmen, which was received by the Central Government on 3-12-2009.

[No. L-20012/346/89-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, AT DHANBAD

In the matter of a reference U/S. 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 144/1990.

Parites : Employers in relation to the management of Bhagaband Colliery of M/s. B.C.C. Ltd.

AND

Their workmen

Present : Shri H.M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri H. Nath, Advocate

For the Workman : Shri C. Prasad, Advocate

State : Jharkhand

Industry : Coal

Dated the 5th November, 2009

AWARD

By order No. L-20012(346)/89-I.R. (Coal-I) dated 4-6-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether Shri Ram Das and 27 others are employees of the management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd. and whether their demand for regularisation in the service of the management is justified? If so, to what relief the workmen are entitled ”?

2. Written statement has been filed on behalf of the workmen stating therein that the concerned workmen have been working at Hard Coke Bhatta at Bhagaband Colliery between 11-9-79 to 7-9-82. All the concerned workmen have completed 240 days attendance which has been certified by M/s. Eastern Carbon, through whom they were employed and paid by the management of Bhagaband Colliery. At the time of their engagement an undertaking was given to them by the management that they would be given preference in employment as soon as the hard coke bhattas are commissioned. When the Hard Coke Bhatta construction was over the management of Bhagaband Colliery continued to utilise the services of these workers including the 28 workers concerned in the present references for quite a long time and manufactured hard coke as they could not arrange trained man power for premier hard coke manufacturers. The job of manufacture of hard coke on which these workers were employed involved both loading and unloading which constituted violation of the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 in respect of which the Hon'ble Madras High Court has laid down that when a prohibited type of job is done through the contractor it will be construed that those workers are that of the principal employer. So these 28 workers would be considered to be the workers of the principal employer i.e. the management of Bhagaband colliery. The management of Bhagaband Colliery/Area in settlement with R.C.M.S. departmentalised some other workers who are junior to the 28 workers concerned in reference, so the management in connivance with the RCMS discriminated against these 28 workers.

It has been prayed before this Tribunal to pass an award in favour the workmen by holding that the concerned workers are entitled to be taken in employment with retrospective effect with all the attendant benefits.

3. The management has filed written statement stating therein that the reference is not legally maintainable and

there is no relationship between the employers and the concerned workmen exists and the workmen have no legal right to claim employment from the management. It has been submitted that no contract was awarded with any permanent or regular type of contract to engage a worker for a period of 240 days on the surface and as such the question of any contract worker completing one year of continuous service does not arise. The contractors used to recruit their workmen to execute the contract work as per work order and after completion of the work, their services used to be terminated. Thus the contractors workers were engaged on casual basis and were purely temporary. Ram Das Ram and 27 others mentioned in the Annexure to the schedule were never employed by the management of Bhagaband Colliery at any point of time. The demand of the union for regular employment of the concerned workmen has no basis at all. It is a concocted case designed to induct fictitious persons after a lapse of about 7 years in employment of management for motive best known to the union.

The demand of the union is unreasonable and unjustified and the entire approach of the Union is illegal and baseless. There is no work available for the workmen in question on regular basis. The management has already got surplus manpower and it has to give work to such persons in the interest of the proper functioning of the company. It has been submitted that the concerned workmen are not entitled to any relief.

In rejoinder the management has stated that the job in construction of Hard Coke Bhatta is not a prohibited job. It has been denied that all types of contract work has been prohibited. It has been stated that the legal position is that the contractor as well as the principal employer will be liable for prosecution and conviction in case of violation of notification under Sec.10 of the Contract Labour (Regulation & Abolition) Act. 1970.

It has been prayed before this Tribunal to pass an award holding that the workmen in question are not entitled to any relief and that the demand of the Union is unjustified.

4. The concerned workmen have filed rejoinder stating almost the same things as has been stated in their written statement.

5. The management has produced MW-I-Arjun Kumar Ghosal who stated in examination that “In the year 1980 I was posted at Bhagaband Colliery as Asstt. Colliery Manager. I worked there till 30-6-96. During my tenure contract work as assigned to M/s. Eastern Carbon for modification of hard coke open. This contract was for an amount of Rs. 23 Lakhs and odd. The work-order was allotted to the contractor in the year 1979. This is agreement of the contract under the signature of General Manager of

Area. R. N. Mishra and under the signature of Mr. Dasgupta and Harasukhbhai Oraon on behalf of Eastern Carbon. Marked Ext.M-2. The work was completed by the contractor in the month of September, 1982. For completion of the work employees were engaged by the contractor and were doing work under the supervision of the contract. There was no relationship of master and servant between the management of BCCL and workmen of contractor. The contractor used to submit bills for part of the work completed and on that basis we used to make payment to the contractor after verification. We had not provided any implements to the workers of the contractor. We used to supply construction material on request of the contractor from time to time and cost of material used to be deducted from the bills of the contractor. We have never employed the workers of the contractor in any prohibited category of job. These are the bills submitted by M/s. Eastern Carbon, under the signature of Dasgupta. Marked Ext.M-3. These three letters are under signature of R. N. Mishra, General Manager, Marked Ext.M-4 to M-4/2. This letter is addressed to ALC and bears signature of P.P. Singh, Agent of Bhagaband Colliery. Marked Ext.M-5. The claim of the concerned workmen that they are employed by the management of Bhagaband colliery is incorrect and their claim for regularisation is also incorrect.

The concerned workmen have produced WW-1 Ram Janam Gope, WW-2 Shanti Devi, WW-3 Ram Chandra Das and WW-4 Ram Sundar Bharti.

5. No argument advanced on behalf of parties though time was granted for filing written argument. Notices were already sent to the parties by registered post vide registration slip No. 5882 and No. 5883 dated 30-6-09, but no party has filed any written argument or verbal argument has not been advanced.

6. Main contention of the concerned workmen is that they are regular workmen of the management and they should be regularised.

7. Management's case is that they are not their employees. They are contractor employees. They have no right for regularisation. No wages was paid to them by the management. No contract was given to the contractor and contractor engaged such workmen for performance of the contract work.

8. In this respects WW-1 Ram Janam Gope has stated in cross-examination at page 2 that "The contractor's firm under which we were working was named "Eastern Carbon". I have certificate issued by the contractor's firm to show that we were working in that firm. I was paid wages by that firm. I do not have any voucher of payment with me. For our working during that 8/9 months we don't have any appointment letter. It is a fact that during the period I had

worked under the contractor firm my work was supervised by that firm. The statement of the workman shows that they were working under contractor and the contractor issued certificate that they are working with them and so they have got any voucher of payment by the management and they have got no appointment letter and their work was supervised by the contractor. In this respect WW-2 Shanti Devi has stated in cross-examination at page 2 that "Sukar Rajak was my husband. I don't know that I was employed by the contractor's firm "Eastern Carbon", I was provided with work everyday. It only shows that she was given work on each day as per requirement." She stated that she was not given appointment letter by BCCL. WW-4 Ram Sundar Bharti has stated in cross-examination that all the contents in Ext. M-1 are correct. Ext.M-1 is application by the Union to the A.L.C.

6. Papers filed by the management are 'X' for identification shows that "Eastern Carbons" was the contractor engaged by the management for performing the job on contract. There is no appointment letter issued to the concerned workmen. So they cannot be treated as employees of the management and they have got no right for regularisation. Ext.M-2 shows that this contract work was given by the management to "Eastern Carbons" for doing the job on contract basis. Ext.M-3 is re-building of 25 Nos. Modified Beehive Ovens as per agreement dated 22-1-80, Ext.M-3/1 is also letter written by M/s. Eastern Carbons to the G.M., Bhagaband Area, Ext.M-3/3 is Bill. Ext.M-3/8 and M-3/9 are letters by Eastern Carbons and Ext.W-4 is a letter by Eastern Carbons for re-building of Modified Beehive Coke Ovens at Bhagaband, Ext.M-4/1 is a letter written to Sr. Asstt. Manager (Coke Oven), Bararee Coke by the General Manager, Bhagaband Area, Ext.M-4/2 is a letter to Eastern Carbons by General Manager and Ext.M-5 is a letter to A.L.C.(C). So, it shows that the concerned workmen were working with the management and they are workmen of contractor of Eastern Carbons to whom contract has been given by the management for performing contract work. As per evidence given by the workmen shows that they were not issued appointment letter and there is no relationship of employer-employee between the management and the concerned workmen. So, the concerned workmen are not entitled for regularisation.

7. Accordingly, I render the following award :

The demand of Shri Ram Das Ram and 27 others for treating them as employees of the management of Bhagaband colliery of M/s. S.B.C.C. Ltd. and for regularisation in the service of the management is not justified and hence the concerned workmen are not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्सी सी. सी. एल.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट (संदर्भ संख्या 75/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-20012/129/88-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/1989) of Central Government Industrial Tribunal No.-1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of M/s C.C.L. and their workmen, received by the Central Government on 3-12-2009.

[No. L-20012/129/88-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference U/s 10(1) (d) (2A) of Industrial Disputes Act, 1947.

Reference No. 75 of 1989

Parties : Employers in relation to be Management of Sirka Colliery of M/s. C. C. Ltd.

AND

Their Workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : Shri D. K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, the 22nd October, 2009

AWARD

By order No. L-20012/129/88-IR (Coal-I) dated 13-6-1989 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sirka Colliery of C. C. Ltd. P. O. Argada, Dist. Hazaribagh by not promoting/regularising Sri R. A. Khan to the post of Foreman-in-Charge Technical Gr. ‘A’ w.e.f. 1-1-82 and non-payment of arrears of back wages w.e.f. 31-8-87 is justified ? If not, to what relief the workman concerned entitled ?”

2. Written statement has been filed on behalf of the concerned workman stating that the concerned workman obtained the Electrical Supervisor’s Certificate on 15-6-1972 and became eligible to perform the statutory duties of the Electrical Supervisor in the mines under the Indian Electricity Rules. As there was legal obligation of the management to appoint a qualified and competent Electrical Supervisor in the Excavation Section of Sirka Colliery, the Supdt. of Mines/Agent of Sirka Colliery authorised and appointed R. A. Khan as an Electrical Supervisor to carry on inspection of the electrically operated machines under the provisions of the Indian Electricity Rules, 1966 w.e.f. 1-1-82. The concerned workman performed the duties of the Elec. Supervisor to the full satisfaction of his Supervisors and was entitled to be regularised in the post of Electrical Supervisor (Tech. and supervisory Gr. A) after completion of satisfactory service in the post for a continuous period of six months. the managment, however, put him in the grade of E. P. Electrical Gr. I w.e.f. 12-5-1982 though he was performing the duties of the Electrical Supervisor w.e.f. 1-1-1982. After completion of six months continuous service in the post of Electrical Supervisor the concerned workman demanded regularisation and confirmation in the post of Electrical Supervisor. Managment took the plea that since the concerned workman was promoted to the post of Electrician Gr. I w.e.f. 12-5-82 he could not be given further promotion to the post of Electrical Supervisor. The plea of the management is wrong and untenable as the present case is not one of promotion but that of regularisation as the workman concerned being appointed in that post by the competent authority has been performing the statutory duties of Electrical Supervisor and was responsible for the maintenance of the electrically-operated machines. As such, the concerned workman is entitled to get the relief of being regularised in the post of Elec. Supervisor/Forman-in-charge (Elec.) in Technical Gr. A w.e.f. 1-1-82 and of being fitted in the appropriate grade of pay from that date and is also entitled to get the arrears of back wages w.e.f. 31-8-1987 as per term of reference.

It has been prayed that the Hon’ble Tribunal be pleased to hold that the action of the management is not justified.

3. Written statement has been filed by the management stating that the concerned workman was

appointed as Electrical Helper, Category-II (daily rate) w.e.f. 8-1-62 in Gd. 'A' colliery of M/s C. C. Ltd. and later transferred to Argada Colliery which is another colliery of the management. He was promoted to the post of electrician, Category-IV w.e.f. 1-10-76 in the section relating to underground mines and subsequently posted in Sirka Colliery in the same post. Later on the concerned workman was put in the Excavation Section where heavy earth moving machinery is employed for removal of over burden and coal. The pay structure of workers of Excavation section is different from those of other sections of the collieries as per recommendations of the Central Wage Board for Coal Industry and subsequent National Coal Wage Agreements finalised by the Joint Bipartite Committee for the Coal Industry. The concerned workman was placed in the Excavation section as E. P. Electrician Gr. II w.e.f. 1-5-77 and thereafter he was promoted to the post of E. P. Electrician Gr. I w.e.f. 12-5-82. As per Circular dated 4/5th April, 1976 issued by the Chief Personnel Officer, E. P. Electrician Gr. I who have put in a minimum of 8 years service in that post would be considered as eligible for promotion to the post of Foreman (Electrical) Management also issued another circular dated 27-3-78 indicating the statutory qualifications which the workers are required to possess for discharging the duties of Electrical supervisors. In view of the matter, the workman concerned is not entitled to any relief whatsoever.

It has been prayed that the Hon'ble Tribunal be pleased to give an award accordingly and reject the claim of the workman concerned and the sponsoring union.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statements.

5. The workman has produced W.W. I—Razi Ahmad Khan—who has proved documents as Exts. W-1 to W-3.

The management has produced MW-I—M.S. Saluja, who has proved documents, Exts. M-1 to M-4.

6. Main argument advanced on behalf of the concerned workman is that he has been promoted as Electrical Supervisor. In this respect the management has argued that there is no post in the cadre scheme for which the concerned workman can be promoted. He has also been given promotion as E. P. Electrician Gr. I w.e.f. 12-5-82, who is performing the work of Electrical Supervisor. He cannot be given any promotion of Electrical Supervisor nor he is entitled of that grade from 1-1-82 since there is no post in the coal industry. Actually the concerned workman was appointed as Electrical Helper, Category-II a Electrical Supervisor's Certificate among other things for discharging duties relating to underground cables. He did not possess the qualifications relating to underground cables to function as Electrical Supervisor for the mines. The management issued circular dated 27-3-78 regarding

qualification for Elec. Supervisors in coal mines, which is Ext. M-1, Ext. M-2 is promotional channel for E. P. Mechanics Gr. I and E. P. Electricians Gr. I as incorporated in Chief Personnel Officer's circular dated 4/6-4-76, Ext. M-3 is Office Order dated 31-8-87 issued by Sr. P. O. Gidi 'C' colliery promoting to E. P. Electricians Gr. I to the post of Foreman (Excav.) and Ext. W-4 is Office Order dated 25-8-87 of Personnel Manager (Argada Area) regarding promotion of 3 E. P. Electricians Gr. I to the post of Foreman (Excavation).

The concerned workman, WW-1, deposed in examination-in-chief in support of his stand taken by the union. While Sirka Colliery is having underground as well as open-cast mines, it has a big Elec-sub-station w.e.f. 8-1-62 and was promoted to the post of Electrician, Category-IV w.e.f. 1-10-76 and subsequently posted in Sikra Colliery and posted in Excavation Section where heavy earth moving machinery is employed for removal of over burden and coal. He was placed in Excavation Section as E. P. Electrician Gr. II w.e.f. 1-5-77 and thereafter he was promoted to the post of E. P. Electrician Gr. I w.e.f. 12-5-82. As per circular dated 4/5-4-76 issued by the management, E. P. Electrician Gr. I who have put in a minimum of 8 years service in that post is entitled for promotion to the post of Forman (Electrical) subject to existence of vacancy and requirement of the management. The management issued another circular dated 27-3-78 indicating the statutory qualifications which the workers are required to possess for duty as Electrical Supervisor. For discharging the duties of Electrical Supervisor under the Electricity Rules, Mines Act, Rules and Coal Mines Regulations, the workman concerned should also possess a capacity of 11 K.V. and Sirka Colliery has three sub-stations drawing power from it. Two of them are supplying power to underground mines and the other open-cast mine. All these sub-stations have cables, overhead wires and field switches and from the field switches power is supplied to shovels and drills in the opencast mine. W.W. I was given duty for supervision of supply of power from field switches to shovels and drills as per instructions of the D.G.M.S. WW-1 has further admitted that he did not pass the examination for underground cable jointing as a part of Elec. Supervisor's examination. In regard to the other points of the management's case MW-1 stated that he was not aware of the same and betrayed ignorance, although he knew that suggestions made to him and he had full knowledge of the same. In this respect MW-1 stated in examination-in-chief that in Sirka Group of Collieries there exist one opencast mine and one underground mine. It is true that open cast mine is working through heavy earth moving machine. There exist one main sub-station and three other sub-stations in Sirka Group Collieries. The main sub-station is having the capacity of 11 K.V. One of the three small sub-stations is having 3.3 K.V. capacity. I do not know what is the capacity of two other small sub-stations in underground

mine. The small sub-stations referred to above provide power to Sirka open cast mine. Heavy Earth Moving Machineries, shovels and drills are being operated by the electricity provided by small sub-stations. We get power for operating the machine through field switch. Electrical and mechanical departments of Sirka Group of colliaries look after the supply of electrical energy from the point of small sub-stations to the point of field switch. Electrical and Mech. Department is looking after over-head lines. Ramji Ram, Foreman-in-charge has been authorised to look after maintenance of drill. The management has authorised Narendra Prasad to look after the matter relating to sub-stations and cables. R. A. Khan has been working as E. P. Electrician Gr. I. There are other workmen working as E. P. Electrician Gr. I., Gr. II etc. All the electrical works have been distributed to Electrician Gr. I., Gr. II and helper. R. A. Khan never worked as Electrical Supervisor. He is working like other electricians working a E. P. Electrician Gr. I.

This is circular dated 27-3-78 which was issued under the signature of Sri R. S. Murthy, G. M. (Personnel), CCL (Ext M.-1). This is another circular dated 4/6-4-76 issued under the signature of Sri R. S. Murthy, Chief Personnel Officer of CCL (Ext. M-2). This is an office order dated 25-8-87 issued under the signautre of Personnel Manager of Argada Area. The name of Personnel Officer I do not know (marked Ext. M-3). This is office order dated 31-8-87 of Sr. Personnel Officer (marked Ext. M-4). The next promotion for E. P. Electrician Gr. I is Sr. E. P. Electrician. The concemed workman does not have to maintain any record, as per Indian Electricity Acts and Rules.

The management has also filed photo copy of Reference No. 48/80 in which same matter has been arisen and in this reference case No. 48/80 dated 19-11-81 it has been held that the demand of the workman to be regularised as a Electrical Forman is not justified and he is not entitled to get the wages of category 'A' (Forman Incharge).

7. In view of the discussions made above and evidence on record, I come to the conclusion that the action of the management of Sirka Colliery of C.C. Ltd., P. O. Argada, Dist. Hazaribagh by not promoting/regularising Sri R. A. Khan to the post of Foreman-in-charge Technical Gr. 'A' w.e.f. 1-1-1982 and non payment of arrears of back wages w.e.f. 31-8-87 is justified and hence the concerned workman is not entitled to any relief.

This is my award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009.

का.आ. 3539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 34/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-20012/513/2001-आई आर(सी-1)]

स्वेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2002) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s B.C.C.L. and their workmen, which was received by the Central Government on 3-12-2009.

[No. L-20012/513/2001-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT

Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 24 of 2002

Parties : Employers in relation to be management of Katras Area of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES

On behalf of the Workman : Mr. S. N. Goswami, Advocate

On behalf of the Employers : Shri U. N. Lal, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad the 30th October, 2009

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/513/2001 dated, the 20th February, 2002.

SCHEDULE

"Whether the demand of the union from the management of Katras Chaitudih Colliery of

M/s. BCCL for providing employment to Sri Podin Bhua, son of late Ch. Rameshwar Bhua as per provisions of para 9.4.2 of NCWA-IV is justified? If so, to what relief is Sri Podin Bhua, son of late Ch. Rameshwar Bhua entitled?"

1. The case of the concerned workman as per his Written Statement is that late Ch. Rameshwar Bhua was permanent employee of Katras Chaitudih Colliery under Katras Area No. IV of M/s. B.C.C.L working as trammer having Form B Sl. No. 25, Identity Card No. 4202 and CMPF A/c.No. D/22/650 Pen, who died on 29-6-1992 during the course of his employment while in service. After the sad demise of the deceased employee his dependant son Shri Podin Bhua submitted his application in prescribed Form under clause para No. 9.4.2. of NCWA-IV (Operative since NCWA-II under para No.10.4.2) under Social Security and as per the said Agreement One dependant of the worker who dies while in service is bound to provide employment to the dependant of the deceased employee immediately as pre existing right of the service conditions is to be implemented the instruction thereof.

Admittedly, the dependant Shri Podin Bhua son of late Ch. Rameshwar Bhua submitted all papers, documents, Affidavit, verification duly attested by the Authority concerned as required accordingly, the management has admitted the same but yet not provided employment to the dependant for which Shri Podin Bhua is being very much deprive for the laches and negligent attitude of the management. Thereafter Podin Bhua sent servral representations for his employment stating therein that the family members are suffering from livelihood due to death of harness of the bread-earner, who had left the family in pecuniary and without any means of livelihood should have immediate relief to mitigate the ends meets of the penury after the death of the employee, which should have immediate relief to tide over the sudden crisis resulting death of bread earner, but no effect thereof and being aggrieved by and dissatisfied with the action of the management this Industrial Dispute was raised for adjudication into the matter of the dispute referred to this Hon'ble Tribunal. It has further been stated that after sad demise of the deceased employee there is no earnings members to surviving the distress for livelihood and the dependant Shri Podin Bhua is only eligible, fit and suitable for employment in the colliery in the place of his deceased father under the provisions of para No. 9.4.2 of NCWA-IV under the social security is lawfully operative and the management have got no right to debar from the benefit of the terms of the agreement apart from the management have agreed the rightful demand of the union in their comments submitted during the conciliation proceedings on 7-7-2001 and the matter is still pending due to divergent and laches attitude of the management for which the dependant is being deprived. Ch. Rameshwar Bhua belongs to Harijan by caste is being exploited due to

atrociousness in not providing employment to the dependant of the deceased worker who died while in service due to harness. The action of the management is illegal, arbitrary and against the principles of natural justice. Accordingly, it has been prayed to pass an Award directing the management to provide empolyment to Shri Podin Bhua son of late Ch. Rameshwar Bhua as per the provisions of para 9.4.2 of NCWA-IV with payment of backwages since the year 1992.

3. In the Written Statement submitted by the management it has been stated that Late Ch. Rameshwar Bhua , Ex-Trammer was as employee of Katras Chaitudih Colliery. He had joined the services of the Company on 22-9-1971. He died on 29-6-92 while in employment. The papers regarding employment was submitted by Sri Podin Bhua claiming as son of Lt. Ch. Rameshwar Bhua. It has furher been submitted on behalf of the management that the matter was referred to the District Authority for verification of relationship etc. by the Management but the same could not be established. In the service Execerpt the above fact is not clear and in the last column only dependant has been shown along with others. The claim for employment could not be accepted due to above reason and the proposal for employment has since been regretted by the Competent Authority. The same has been communicated from Headquarter vide letter No. BCCL/PA-IV/3(13)KPA/24/93/4114 dated 6/8-3- 2002. The Vice President, Mazdoor Sangthan Samittee had raised an Industrial Dispute vide his letter No. Nil dated 12-3-2001 and above reference is outcome of the same. Accordingly, it has been prayed to pass an Award rejecting the claim of the claimant.

4. Both the parties have submitted their respective rejoinders admitting and denying the contents of some of the paras of each other's Written Statement.

5. The concerned workman produced himself as WW-1 who has proved documents marked as Ext. W-1, W-1/I W-2 and W-3 Management has examined MW-1 who has proved document marked as Ext. M-1, M-2, M-3, M-4, M-5 and M-6.

6. It has been argued on behalf of the concerned workman that his father Ch. Rameshwar Bhua was permanent employee of the management and his name appears in Form B Sl. No. 25, I.D. Card No. 4202 and C.M.P.F. A/c. No. D/22/650. His father died on 29-6-1992 during the course of his employment while in service. As per provision clause 9-4-2 of NCWA-IV Podin Bhua, the dependant son of Ch. Rameshwar Bhua is entitled for employment. But management has not given employment though there is settlement NCWA -IV clause 9.4.2. On the contrary management argued that he has not moved his application at the early stage and it has also been argued that no financial saffering due to the death of his father has been

brought to the notice of the management by making application and it has also been argued on behalf of the management that no relationship between Podin Bhuria and Ch. Rameshwar Bhuria has been established. But it has been argued on behalf of the concerned workman that the management has issued letter to the District Authority for verification of his relationship and the District Authority after verifying facts reported the matter in favour of the concerned workman. Even then the management has not provided employment. Workman side has referred the application Ext. W-1 which is a per clause 9.4.2 of NCWA-IV and clause 9.3.2. of NCWA-V which is effective from 1.7.91 Service Excerpt of the deceased employee has been filed which is Ext. W-2, W-3 and application submitted by the concerned workman marked as Ext. W-1/1. Ext. M-1 shows that letter was forwarded to the Koyala Bhawan for providing employment to Podin Bhuria dependant son of late Ch. Rameshwar Bhuria, Ext.M-2 is District Authority's letter and Ext.M-3 is the application of the concerned workman and Ext.M-4 is a letter issued by the Deputy Collector, Incharge Public Complaint Cell and Ext.M-5 is the reply of the management to the Complaint Cell. Ext.M-6 is a letter issued by the Dy. C.P.M. to the P.M. BCCL Koyala Bhawan. It has been argued on behalf of the concerned workman that clause 9.3.2 of NCWA-VI lays down the provision with regard to employment to the dependant of the worker who dies while in service. Clause 9.5.0 (iii) provides in case of death either in mines accident or for other reasons or medical unfitness under clause 9.4.0 if no employment has been offered and the male dependant of the concerned worker is 15 years and above in age he will be kept on a Live Roster and when he attains the age of 18 years would be provided employment. So this clause shows that there is not only late application filed by the dependant of the deceased employee because at the time of death of his father he was minor and his name finds place in the Service Excerpt submitted by his father showing his age as 20 years on 18-3-93. It shows that at the time of death of his father he was aged about 19 years of age.

7. As regards relationship between the deceased employee Ch. Rameshwar Bhuria and his dependant son Podin Bhuria, Service Excerpt Ext. W-2 shows that it was duly filled in and furnished in the year 1987 by the deceased employee during his life time in the course of his employment and in Col. 12 of said Ext. W-2 relationship in details of family members of the deceased has been mentioned and the name of Podin Bhuria was mentioned aged 10 years as dependant. Same relationship is also mentioned in Ext.W-1. The management accepted the same without any objection rather it was duly accepted and forwarded for approval Ext.M-2, the report from District Administration shows that he is son of the deceased employee. The concerned has referred to a decision reported in 2005(1) JLJR page 293 in which Hon'ble Jharkhand High Court laid down the following :—

Labour and Industrial Law—Compassionate appointment Clause 9.3.2 of NCWA-V- delayed appointment—If on the date of death of the deceased employee the male dependant is fifteen years old or above in age then he will be kept on live roster and would be provided employment commensurate with his skill and qualification when he attains the age of eighteen years—during the period the male dependant will be on live rooster, the female dependent will be paid monetary compensation. (Paras 10 and 11).

Labour and Industrial Law—Compassionate appointment—Clause 9.3.2 of NCWA-V—Compassionate appointment cannot be granted after a long lapse of reasonable period—the very object of compassionate appointment is to relieve immediate hardship and distress caused to the family of the deceased employee and such consideration cannot be kept pending for years—however, when admittedly because of serious laches and negligence on the part of management the applications were considered after more than three years then those applications could not have been rejected on the ground of being time barred—impugned order set aside. (Paras 12, 15 and 16).

2003(4) JLJR 658—Relied upon.

(1994) 4 SCC 138 (1996) 8 SCC 23.

(1996) 1 SCC 301 Distinguished.

Industrial Disputes Act, 1947—Sections 2(p) and 18- a settlement arrived at in course of conciliation proceedings between the workmen and the establishment and signed by the parties thereto, is binding on both the parties and has the sanctity of law as provided U/s. 18 (Paras 21 to 23).

8. In this respect the evidence of MW-1 is very important. MW-1 in course of his evidence at cross-examination at page-3 stated "I was not posted at Katras Chaitudih Colliery in the year 1997. I joined the said Colliery in August, 2007. The management possess all the original documents. There is not any complaint against Podin Bhuria that he would not be provided employment in place of his father under the provision of NCWA."

This statement of MW-1 shows that management was not offering employment on whimsical ground to Padin Bhuria though his deceased father has given his name in all the records of the management showing his relationship and as per NCWA management is bound to offer employment to the dependant of the deceased employee.

In the result, the following Award is rendered :—

"The demand of the union from the management of Katras Chaitudih Colliery of

M/s. BCCL for providing employment to Sri Padin Bhua, son of late Ch. Rameshwari Bhua as per provisions of para 9.4.2 of NCWA-IV is justified. Consequently, Shri Padin Bhua son of late Ch. Rameshwari Bhua is entitled employment under the management."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टीस्को के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 61/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-20012/3/96-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/1997) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. TISCO and their workman, which was received by the Central Government on 3-12-2009.

[No. L-20012/3/96-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of Industrial Disputes Act,

Reference No. 61 of 1997

Parties : Employers in relation to the management of Tisco's Digwadih Colliery, Jamadoba, Dhanbad.

AND

Their Workmen.

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Sri D. K. Verma, Advocate.

For the Workmen : Shri B. N. Singh, Advocate.

State : Jharkhand Industry : Coal

Dated, the 3rd November, 2009.

AWARD

By Order No. L-20012/3/96-I.R. (C-I) dated 5-3-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand by the Union for the employment of Shri Mustaque Hussain as a dependent of Sh. Sharif Mohammad in place of other son Sri Tabarak Hussain discharged on medical ground by the management of M/s. TISCO is legal and justified? If so, to what relief is the workman entitled?"

2. The case of the concerned workman is that Shri Sharif Mohammad was working as a Line Mistry in Digwadih Colliery. He was employed on 3-10-1948 and was superannuated w.e.f. 3-10-1990 thereby completing 42 years of his service. While continuing in service he applied for providing employment to his dependent son, Tabarak Hussain, who was employed on the strength of his long service and was provided employment as a Pump Operator/Belt Operator in Digwadih Colliery who is still continuing in service. As Sri Sharif Mohammad was eligible and entitled to secure employment of his 2nd dependent son, he requested the management for employing Tabarak Hussain who was also provided with employment and after having continuously worked for about 4 years, he suddenly developed serious mental illness but as no amount of treatment could cure him, he was discharged on medical ground by letter No. AJG/40/294/93 dated 13-2-93 and stopped from work w.e.f. 22-2-93. Thereafter Sharif Mohammad approached the management for providing employment to his son, Mustaque Hussain, on the ground of medical unfitness of his son, Tabarak Hussain, Ex-Miner of Digwadih Colliery. By an application dated 27-1-92 which was addressed to the then D.O.C. of TISCO Ltd., Jamadoba, he demanded for providing employment to his dependent son, Mustaque Hussain, but neither his dependent son, Mustaque Hussain, was provided with employment nor any reply was given to him. Thereafter, finding no other alternative remedy an industrial dispute was raised before the A.L.C.(C), Dhanbad, which ended in failure due to adamant attitude of the management. Thereafter, the present dispute has been referred to this Hon'ble Tribunal for adjudication. The action of the management denying

employment to the dependent brother of Tabarak Hussain, namely, Mustaque Hussain is illegal, arbitrary and in breach of condition of service.

It has been prayed before this Tribunal to pass an award in favour of the workman.

3. The case of the management is that Sharif Mohammad was appointed at Digwadih Colliery on 3-10-48 and was superannuated w.e.f. 3-10-1990. He got opportunity to serve the Company for a period of 42 years and he cannot have any grievance against the management in any respect. After completion of 15 years service he was given opportunity to enrol two dependents for getting employment in future against the strength of his service in order of preference. He nominated Mobarak Hussain and Tabarak Hussain declaring them as his dependent sons in order of preference for providing them employment against the strength of his service. Their names were enrolled in the Employees Dependent Register of Digwadih Colliery. Mobarak Hussain was appointed as a Miner/Loader w.e.f. 5-12-88 on the strength of the service of his father, Sharif Mohammad. He was changed from piece-rated worker to time-rated category at his request w.e.f. 1-10-90 and he was promoted as Belt Cleaning Mazdoor w.e.f. 21-1-94. He is continuing in the employment of Digwadih Colliery of the Company. His second son, Tabarak Hussain was provided employment on temporary basis from 17-4-89 and he was regularised as Miner/Loader w.e.f. 15-11-90. His second son, Tabarak Hussain developed mental illness and became sick from 3-5-91. He appeared before the Medical Board on 30-10-91 and the remark of the Medical Board is—"A case of schizoprenia being treated as CIP Ranchi from May, 1991. He still feeling weak. On mental examination he appeared normal except that his reflexes are sluggish. In view of the continued treatment for two months more, he cannot be allowed to go underground. Therefore he is advised to continue the treatment and continue in sick for two months more. To be reviewed in Medical Board after a fresh assessment report of CIP Ranchi after two months." He was again sent to the Medical Board in the year 1992 for ascertaining his fitness for the job of Miner. The Medical Board submitted its report dated 30-9-92 as under—

"He has been treated for acute Psychosis from CIP Ranchi since last two years. Still he is not perfectly normal and needs to continue treatment indefinitely. In view of the nature of his mental illness he is unfit for the job of Miner."

After the finding of the Medical Board declaring him unfit for his employment in the mine he was discharged from his service with effect from 22-2-93 on medical ground. It is submitted that Sharif Mohammad, father of Tabarak Hussain, submitted to the management for review of his medical condition, as according to him, he was cured after

getting private medical treatment. His request was acceded to and he was examined by the Medical Board and the finding of the Medical Board is given below—

"Md. Hussain has been suffering manic depressive Psychosis (By Polar Mood Disorder) since 3 years. He was declared unfit for the job of miner vide Medical Board report dated 30-9-92. Now he is referred to be assessed for the job underground as miner. He is still on mood corrective drugs. Apparently he is not having any obvious features of Psychosis. However, he is advised to be assessed by the expert Psychiatrist for his Psychiatric evaluation."

After his report we shall review him in Medical Board after three weeks. After the observation of the Medical Board no further attempt was made to get him medically examined and the management could not provide him employment any further as he was unsuitable for his employment in the colliery. After declaration of the second son of Sharif Mohammad unfit for continuance of employment he approached the recognised union, RCMS for taking up the case of his 3rd son, namely, Mustaque Hussain for his employment as his 3rd dependent as his second dependent became medically unfit. After proper discussion between the management and the recognised union, RCMS, it was observed that as per employment procedure of dependents of workman, the 3rd son of Sharif Mohammad, Mustaque Hussain cannot get employment to the pre-judice of others who are in the waiting list for getting employment. Therefore, the management regretted to provide employment to Mustaque Hussain, the 3rd son of Sharif Mohammad. It has been submitted that the employment procedure of the Company is more favourable than the provisions of NCWAs with regard to providing employment to the dependents, as a result the recognised union did not permit the management to abrogate/cancel the employment procedure and to adopt the provisions of NCWAs for providing employment to the dependents.

It has been prayed that Hon'ble Tribunal be pleased to pass an award holding that the concerned son, Mustaque Hussain is not entitled to be employed as 3rd dependent son of Sharif Mohammad.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The concerned workman, Sharif Mohammad, has examined himself as WW-1 and has stated in examination in chief that—

"I was appointed in TISCO colliery on 3-10-48. I was superannuated from service w.e.f. 3-10-90. I had served in that company for 42 years. As per the Company's rule, I had applied for providing employment to my son, Mubarak Hussain, who was employed by the Company. As per the rule of the company my two son, Mubarak Hussain and

Tabarak Hussain were employed by the company. Tabarak Hussain served in the company for four years. Thereafter he was discharged on medical ground. Since the service of my son Tabarak Hussain was discharged from service. I applied to the company to provide employment to Mustak Hussain in his place. But the company is not providing him employment. Thereafter I have raised this industrial dispute."

6. The management has examined MW-1—Dinesh Kumar Sharma, who has stated in examination-in-chief that "Presently I am posted as a Head Clerk in the office of General Manager at Jamadoba of TISCO office. Mohammad Sharif, the father of Mushtaque Hussain used to work in TISCO colliery. After the completion of 15 years of service Mohammad Sharif had enrolled the names of his two sons as his dependents. Their names were Muabarak Hussain and Tabarak Hussain. They both were provided employment by the TISCO management, one is still in service and another has been discharged on medical ground. Tabarak Hussain who had been medically discharged had not completed sufficient length of service for providing any employment to his dependent. There is no provision available for providing employment to the third son of an employee on the strength of his service. In the year 1992 the said Tabarak Hussain had appeared before a Medical Board for the purpose of ascertaining the fitness for joining the post. He was found to be unfit for the job of miner. Photo copy of the report marked Ext.M-1. In Tisco Collieries Rashtriya Colliery Mazdoor Sangh functions. Bihar Colliery Mazdoor Sangh is not registered and has no functioning in the Tisco Collieries. There had been negotiation between the management and RCMS in respect of employment of the third son of Mohammad Sharif. After the discussions the management regretted the employment, as sought. Upon the matter being taken up by RCMS in respect of the second son of Mohammad Sharif the Tisco management again referred the second son. Tabarak Hussain to the Medical Board for ascertaining his fitness for the job of a miner. Medical examination was done and the Medical Board again found him unfit. Tisco management is granted exemption from the application of recommendations of NCWA in respect of employment. The demand raised for providing employment to the third son of Mohammad Sharif is unjustified."

7. Main argument advanced on behalf of the concerned workman is that his 3rd son, Mustaque Hussain be given employment on the ground of his son, Tabarak Hussain, who has been given employment on the ground of dependent of Sharif Mohammad, but the management has not given employment to 3rd son of Sharif Mohammad though the management has given employment to Sharif Mohammad's 1st son, Mubarak Hussain and 2nd son, Tabarak Hussain. But Tabarak Hussain become medically unfit due to his mental disorder and illness.

8. Management's counsel argued that there is no provision of 3rd employment of dependent ward as Sharif Mohammad has completed 32 year of service, so as per company's rule two of his sons have been given employment by the management and the 2nd son, Tabarak Hussain became ill so he was discharged from the company's job. Moreover, Tabarak Hussain has not given any name of dependent employment nor he can give because as per company's rule after 15 years of service an employee can enter 3rd dependent's name. Tabarak Hussain was provided employment as dependent son of Sharif Hussain from 17-4-89 and when became mental illness, he appeared before the Medical Board on 30-10-91 and the Medical Board found him unfit. As per report of the Medical Board dated 30-9-92 he was discharged from service w.e.f. 22-2-93. There is no provision for giving dependent employment of 3rd son of Sharif Mohammad and Tabarak Mohammad has not given the name of his dependent as he has not completed 15 years of service.

9. In this respect WW-1— Sharif Mohammad has stated that as per rule of the company on completion of 15 years of service a dependent of an employee is enrolled for employment in the company. I am seeking employment of Mustaque Hussain as a dependent of Tabarak Hussain. My claim for employment for Mustak Hussain is not on the ground of being his ward and completion of 15 years of service, rather I claim his employment on the ground that Tabarak Hussain has been discharged on medical ground. He has further stated in cross-examination that—"I cannot cite any reference to show that an employee who has not completed at least 15 years service and on being declared medical unfit his dependent has been employed by the company. I do not know if there is any rule in the company for providing service on the ground of any employee being discharged on medical ground. Still one of my son is in the employment of the company. There is large number of wards in seeking employment in the company on the ground of being ward of an employee. It shows that the company has a number of employees who have been given dependent employment and there is provision for giving employment of two dependent during tenure of service which has been done in the present case, but there is no provision of giving employment to 3rd dependent as per company's rule.

In view of the facts I find that the concerned workman is not entitled for employment of his 3rd dependent son, Mustaque Hussain.

10. Accordingly, I render the following award— The demand by the Union for the employment of Mustaque Hussain as a dependent of Sh. Sharif Mohammad in place of other son, Tabarak Hussain discharged on medical ground by the management is not legal and justified and hence the concerned workman is not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इंस्टीट्यूट ऑफ रिसर्च आन बुफ़लोस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 164/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-42012/179/93-आईआर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 164/94) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Institute of Research on Buffaloes and their workman, which was received by the Central Government on 3-12-2009.

[No. L-42012/179/93-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. : ID No. -164/94

Shri Ishwar Singh C/o The President, District Agriculture Workers Union, I2315, Jawahar Nagar, Hissar

...Applicant

Versus

The Director, Central Institute of Research on Buffaloes, Hissar

...Respondent

APPEARANCES

For the Workman : Sri Hardial Singh

For the Management : Sri Amit Sharma with
R. K. Sharma

AWARD Passed on

Dated the 24-11-2009

Government of India vide notification no. L-42012/179/93-IR(DU), dated 16-11-94, by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (the Act in short), referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of Central Institute of Research on Buffaloes, Hissar in

terminating the services of Shri Ishwar Singh, ex-chowkidar w.e.f. 22-10-92 is just, fair and legal? If not, to what relief the workman concerned is entitled and from which date?”

First of all, this Tribunal regrets the parties for adjudicating and answering this reference after 15 years of receiving the reference. Whatever may be reasons this Tribunal was supposed to answer the reference within three months prescribed by the Central Government in compliance of the provisions of the Act? Reasons may be judicial, administrative or any other but the timely justice was denied to the parties.

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. The case of the workman, in short, is that he was appointed as ‘security guard-cum-chowkidar’ on 06-09-88 by the management of respondent. Before his appointment, he served the military department for 16 years and he had provided with all the related documents to the respondent of his serving with the military department. He had worked honestly with full consciousness but without showing any reason, his services were terminated on 20-10-89. Against termination order, he filed a civil suit, and consequent to file a civil suit the workman was reinstated into services on 17-11-89. Thereafter, he was issued a notice on 02-01-90 wrongly which was answered by him. When he went on his duties on 22-10-92, he was not permitted to work which amounted to his retrenchment under the provisions of the Act. On 23-10-92 he moved a written application to the director of the respondent but he was not permitted to work. He again moved an application on 06-11-92 but he was not permitted to join the duties. Thereafter, he moved a notice through his advocate to the Director of the respondent. It is also contended by the workman that respondent issued two notices dated 25-11-92 and 12-03-93, whereas, on repeated request he was not permitted to work with the respondent. On the basis of the above facts, the workman has prayed for his reinstatement into the services with consequential benefits.

The management of respondent opposed the petition by filing written statement. The respondent has opposed the contention of the workman that he was retrenched. As per the contention of the management, the workman voluntarily surrendered his services. Opportunity to perform the duties was given to the workman but, he did not join the duties. It was also denied by the management that workman was appointed as chowkidar-cum-security guard, but he was appointed as group-D employee and he refused to do the work entrusted to him. On his denial to work he was again asked to perform the work entrusted by the management as group-D employee to which he refused to perform and left the place of work and on repeated notice did not return.

Parties were afforded the opportunity for adducing evidence. Evidence was recorded. All the correspondence

between the parties have been filed by both of the parties. The first issue to adjudicate in this reference is "whether the workman was appointed as group D employee or as chowkidar-cum-security guard"? The management of respondent has filed a circular letter of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) OM No. 49014/2/86 Estt.(C) dated 07-06-88 regarding recruitment of casual workers and persons on daily wages-Review of Policy. I have gone through the contents of policy minutely. As per the policy, recruitment on daily wagers may be made only for work which is of causal or seasonal or interminent nature or for work which is not of full time nature, for which regular post cannot be created. Daily wagers already recruited and recruited after notification are to be regularized/adjusted as per the scheme mentioned in this circular letter. The daily wagers working in the Ministry of Railways were to be adjusted within two years, daily wagers working with the Department of Posts, Department of Telecommunication and Department of Defence were to be adjusted within one year and daily wagers working with all the other Ministry/Department and offices were to provided with the benefit of circular letter within six months. In pursuance of this circular letter and on the basis of this direction given by Hon'ble the Apex Court, the management of respondent passed an order dated 05-08-91 regarding approved categories of DPL (who have completed 240 days) as shown against each with immediate effect. The name of the workman Shri Ishwar Singh S/o. Shri Nanak Ram find place at serial no. 82 and he was approved for DPL's category as 'Chowkidar' in Forage Production Section. The workman was approved for DPL category as 'Chowkidar', so he cannot be asked for the work other than for which he was approved. The letter shown by the department only relates to the refusal of the workman to do group-D work. He refused to do group 'D' work on the pretext that he was approved as the chowkidar and he cannot be entrusted any work other then the work of chowkidar. The notice and a preliminary enquiry report filed by the respondent is clear that he was entrusted the work of a group D employee for cleaning the dung, providing fodder for the animals to which he refused. Letters dated 06-11-92 and 16-11-92 contains the same contents that workman has refused to do the work of group 'D' employee. Prior to these letters on 05-08-91 the workman was approved for DPL as 'Chowkidar' in Forage Production Section. This order came into operation with immediate effect. Thus, after 05-08-09 there was no occasion to the management to entrust any work to the workman other then the category for which he was approved. He was approved as 'Chowkidar' so, the work of a chowkidar could be entrusted to him after the above notification. The orders filed by the management shows .that he was repeatedly asked to work as group 'D' employee and to discharge the work other then as a 'chowkidar'. The workman has rightly refused to work other then the 'chowkidar'. On his refusal

to work, as is clear from the documents filed by the management, a preliminary enquiry was conducted in which it was also stressed that he was rightly asked to work as group D employees because he was not appointed as a chowkidar. Without disputing the nature of appointment, the workman was working as a chowkidar after 05-08-91, when he was approved for DPL as chowkidar by the management of respondent. Thus, there is no force in the contention of the management that workman was group 'D' employee after 05-08-91 and any work of group 'D' employee can be entrusted to him. After 05-08-91 the workman could have entrusted the work of chowkidar only and not otherwise.

A particular notice or a statement is not to be considered in isolation. Decision has to be taken by the Tribunal on perusing the entire evidence cumulatively. The cumulative effect of entire evidence on record is that workman was asked to perform the work as 'Chowkidar', whereas, it was the adamancy of the management to engage him as group-'D' employee. He was also directed by the management to discharge the function of a group 'D' employee other than the 'chowkidar' and it was illegal act of the management. The opportunity was afforded to the workman as group 'D' employee, but not as to work a chowkidar to which the workman has rightly refused. Thus, I am of the view that the workman has not surrendered his work but he was not permitted to work for which he was approved as DLP worker by the management and it amounted to the retrenchment of the workman. Admittedly, no notice, one month wages in lieu of the notice and terminal dues were given/paid to the workman before termination of his services which renders his termination illegal and void being against the provisions of the Act. The Industrial Disputes Act does not bar the termination of the services of a daily waged worker but only regulates it. The services of a daily waged worker can be terminated as per the provisions of the Act, after giving one month notice or one month wages in lieu of the notice and lawful terminal dues. It was not done by the management which makes the termination of the workman void and illegal.

The termination/retrenchment is declared unlawful being against the provisions of this Act by this Tribunal. Under such circumstances, there are two possible remedies available. The first remedy is the reinstatement into the services of the workman with or without back wages and another remedy is a reasonable compensation. It is the settled principle of service jurisprudence that priority should be given for reinstatement of the workman into the services. The intention of the Act also favors the protection of right to work. Accordingly, normally order for reinstatement into services should passed by this Tribunal and in exceptional cases the Tribunal should remedied the grievances of the workman with the reasonable compensation. It is not pleaded, contended and proved by the management that no work is available. As admitted by

the management that work of group 'D' employee is a continuous work. Thus, I am of the view that reinstatement of the workman into the services will meet the ends of justice. Considering the facts and circumstances of the case, the workman will not be entitled for the back wages but his seniority and pay shall be protected. The management of respondent is, accordingly directed to reinstate the workman within one month from the date of publication of the award. The reference is accordingly answered. Let Central Government be informed for publication of the award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3542.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फॉर्म के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 18/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-14012/41/94-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/96) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 03-12-2009.

[No. L-14012/41/94-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. ID No. 18/1996

Shri Manohar Lal S/o Shri Giridhar C/o Shri Nasib Chand
120-Green Park, Jalandhar Cantt. (Punjab)

...Applicant

Versus

Officer In-charge, Military Farm, Jalandhar Cantt. (Punjab).

...Respondent

APPEARANCES

For the workman : Sh. Madan Mohan, AR

For the management : Sh. K. K. Thakur

AWARD

Passed on 24-11-2009

Government of India vide notification No. L-14012/41/94-IR (DU), dated 26-02-96 referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Military Farm, Jalandhar in terminating the services of Shri Manohar Lal is legal and justified? If not, to what relief the concerned workman is entitled and from which date?"

After affording the opportunity of being heard to the parties, this Tribunal answered the reference positively holding the termination of the workman, illegal and void being against the provisions of the Act. The Award Passed by this Tribunal was challenged by the respondent before the Hon'ble High Court of Punjab and Haryana. Hon'ble High Court of Punjab and Haryana vide order dated 19-03-2008 set aside the award, remitted the reference to this Tribunal for its consideration and adjudication afresh with a direction that issue of industry has to be dealt with by this Tribunal. After receiving this order the parties were further afforded the opportunity of being heard.

Entire award was set aside by the High Court. This reference requires adjudication afresh on all issues including the issue of industry. The main facts relied by the workman are that he was appointed as a Safaiwala by the management of respondent with effect from 01-10-1985. His services were terminated without holding any inquiry, issuing any notice or retrenchment compensation on 01-04-1992. The workman along with co-workers were involved in a criminal case under Section 323/324 read with Section 34 of IPC and an FIR was lodged on 20-03-1992. The FIR resulted into a charge-sheet and after taking cognizance all the accused were tried. During the pendency of criminal case, other co-accused/co-workers were reinstated into the services, whereas the services of the workman were terminated on 1-4-1992. Criminal Court acquitted all the persons vide judgment dated 24-06-1993. On reinstatement of services of the co-workers/co-accused, he approached the management of respondent vide representations dated 09-09-1992, 11-11-1992 and 12-12-1992 for reinstatement of his services as well. No heed was given to his 'request and representations. On acquittal vide judgment dated 24-06-1993, the workman also requested for his reinstatement and supplied the copy of

the judgment, but he was not reinstated into the services. Accordingly, a Demand Notice was given raising the industrial dispute and on account of failure of conciliation report, this reference.

Management of respondent appeared and contested the claim of the workman by filing written statement. Preliminary objection was taken that management of respondent is not an industry. On merits it was stated by the management that as per rules of the department, services of any casual worker can be terminated without notice. Accordingly, the services of the workman were terminated because he was indulged in criminal activities and a criminal case was pending against him.

Both of the parties were afforded the opportunity of being heard. Evidence of the parties was recorded. Parties also preferred to file the documentary evidence. On the basis of the pleadings and the evidence on record, I am of the view that main issues for adjudication before this Tribunal are as follows:-

1. Whether the management of Military Farm is an industry?
2. Whether the termination of the workman from his services on account of criminal case pending against him, without notice is illegal?
3. Relief, if any?

I am answering all the issues one by one.

On all the issues I have heard the parties at length. Certain interrogatories were supplied by the workman to the management and the management replied the same. Interrogatories and its reply are on record. Issue of industry is an issue of facts and law. It is the issue of facts because it has to be answered on the basis of the functions entrusted by the management of the respondent to the workman and the works discharged by the workman. It is the issue of law because the definition of industry has to be seen on the basis of certain judicial pronouncements given by the Hon'ble High Court and the Hon'ble Supreme Court. The law laid down by the Hon'ble Court has to be implemented on the basis of functions entrusted to the workman and discharged by him. Parties have filed number of judicial pronouncements on the definition of industry. The land-mark judgments explaining the terms 'industry' is Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others' AIR, 1978 Supreme Court 548. Seven Judges Bench of Apex Court in Bangalore Water Supply and Sewerage Board's case (supra) defined the word 'Industry'. As per the above-mentioned verdict of the Apex Court term 'Industry' has been defined in sub-section 2(j) as a wide term and import as :

- (a) Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss), *prima facie*, there is an industry in the enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Thus, the test (specially triple test) referred by Hon'ble the Apex Court in Bangalore Water Supply case (supra), are necessary to qualify any institution to be an industry.

Regarding sovereign functions Hon'ble the Apex Court in Chief Commissioner of Forest Vs. Jagan Nath Maruti Konthare 1996 (2) SET 165 has held that the functions of the state are called sovereign functions of the state. There can be more activities of the state, which can be said to be sovereign functions of the state other than those explained in Bangalore Water Supply's case. It depends on the nature of powers and manner of exercise thereof. Since the functions of the state have been extended in almost every sphere, the demarking line between sovereign and non-sovereign powers has largely disappeared. Even within wider circle of sovereign functions there may be an inner circle and compassing some units, which could be considered as industry, if substantially severable.

Thus, decision on issue of industry has to be taken on the basis of powers of the management; work entrusted to the workman and discharged by him. It is undoubtedly true that respondent of management as an organization of Military discharge the functions of military strictly so called, which are the state functions and accordingly, sovereign functions. But there may be several units within the organization, which can be called industry on the basis of functions discharged. If these units have substantially sevegral charater, then the sovereign functions, they may be called as an industry. The main function as admitted to the management of Military Farm is to maintain the big

Farm, produce fodder for cattle, maintenance of cattle and production of milk and milk products. For this function labourers are engaged. I am unable to see any nexus with the work of labour to produce fodder from the farms and maintaining the cattle for production of milk and milk products with the act of the state of defence department. Within bigger circle of defence department it is a small circle of a particular class, who is responsible for production of milk and milk supplied to the defence personnel. Labourers are appointed; they are paid wages as per the rules and are under the administrative control of the management of respondent. Thus, the functions discharged by the labourer has no nexus with the so called sovereign character held by the military department. The function of labourers is substantially severgla than the sovereign functions of military department. Accordingly, on the basis of functions discharged by the workman, I am of the view that respondent of managment is an industry. The functions discharged by the workman cannot be said to take the character of sovereign functions just on the facts that the milk and milk products are supplied to defence personnel. Thus, the issue of industry is accordingly disposed of.

On issue No. 2, I am of the view that termination of the workman from the services was illegal being against the principle of natural justice. As per para 13 of Model Standing Order, the services of any Casual workman can be terminated without any notice. But, in case there is any stigma on the working of the workman, a notice and opportunity of being heard is required as per Standing Order 12, Sub-clause(III). Admittedly, no notice was given. Without any stigma, the services of the workman could have been terminated without notice, but in case of any stigma, meaning thereby on the charges of misconduct, notice and opportunity of being heard was mandatory. It is the contention of the management that services of the workman is terminated on account of his indulging in criminal activity and a criminal case was pending against him. It will amount to the termination of the workman on the charge of misconduct. It is a stigma on him and for the termination of his services on the charge of misconduct, opportunity of being heard was mandatory as per Standing Order 12(III) of Model Standing Order. Accordingly, the services of the workman were terminated against the principle of natural justice and the termination order is void.

The termination order is also void on account of violation of Articles 14 and 21 of the Constitution. There were 4 persons involved in commission of a particular crime. FIR was lodged against all the 4 persons and a criminal case was registered. During the pendency of the criminal

case against all the persons, reasons known to the management, services of rest 3 workmen were reinstated and the services of the workman were terminated without giving him the opportunity of being heard. It is malafide act of the management, which violated right to equality enumerated under Article 14 of the Constitution. Termination of a workman from the services is his civil death. Article 21 of the Constitution protects the right to life and personal liberty and it can only be taken away on the basis of reasonable procedure established by law. In the instant case, the law is very clear that in case of a casual workman, his services cannot be terminated on account of his misconduct without opportunity of being heard. This procedure was not adopted by the management of respondent and the act of management terminating the services of the workman is violative of article 21 of the Constitution.

On the basis of above discussions, I am of the view that the termination of the workman from the services was illegal. But right of the workman to work with the management was violated by the management of respondent without any reasonable cause, thus the workman is entitled for his reinstatement. Considering the facts and circumstances of the case and the act of the management that during the pendency of a criminal case, the management reinstated the services of other three co-accused, I am of the view that the workman is entitled for all the back wages and for the protection of his seniority. Accordingly, the management is directed to reinstate the services of the workman and to pay the back wages within one moth from the publication of the Award. Let Central Government be approached for publication of the Award and, thereafter, file be consigned to the record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 52/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-20012/179/88-D-II(A)]

स्नेह लता जबास, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 52/1990) of Central Government Industrial Tribunal/Labour Court No., I Dhanbad now as shown in the Annexure, in Industrial Dispute between the employers in relation to the management M/s BCCL and their workman, which was received by the Central Government on 3-12-2009.

[No. L-20012/179/88-D-II(A)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1 AT DHANBAD

PRESENT : Shri H.M. Singh, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 52 of 1990

Parties : Employers in relation to the management of Alkusha Colliery of M/s. BCCL and their workman

APPEARANCES

On behalf of the workman : None

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad 19th October 2009

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/179/88, dated the 19th May, 1989.

SCHEDULE

"Whether the action of the management of Alkusha Colliery under Kustore Area No. VIII of M/s.B.C.C.L., P.O. Kustore, Dt. Dhanbad in not providing employment to ten delisted female casual wagon loaders (show in the annexure below) or their dependants is justified? If not to what relief, the concerned workmen are entitled?"

ANNEXURE

1. Smt. Raj Kumari, W/o of Chandrika Dusadh.
2. " Yasada Devi W/o Gobind Bhuiya
3. " Chand Muni Kamin, W/o Kishun Razak
4. " Amira Devi (Bibi) W/o Wasil Khan
5. " Bhulwa Devi, W/o Shri Binda Bhuiya
6. " Manti Devi, W/o Shri Bhola Bhuiyan
7. " Rashmi Kamin W/o Prasadi Bhuiyan
8. " Sonia Devi, W/o Shri Deo Yadav
9. " Kalavati, W/o Shri Munnar Yadav
10. " Sabitri Devi, W/o. Chandrika Bhuiyan.

2. In the Written Statement submitted by the union on behalf of the concerned workmen it has been stated that Smt. Ram Sakhia Devi, (ii) Smt. Raj Kumari, (iii) Smt. Yashoda Devi, (iv) Smt. Chandmuni Kamin, (v) Smt. Amira Devi (bibi) (vi) Smt. Bhulwa Devi, (vii) Smt. Kapura Orang, (viii) Smt. Manti Devi, (ix) Smt. Rashmi Kamin, (x) Smt. Sonia Devi, (xi) Smt. Kalawati, (xii) Smt. Dhani Orang and (xii) Smt. Sabitri Devi had been working as Wagon Loaders at Alkusha Colliery, Kustore Area VIII under M/s. BCCL, and they were stopped from their job in the year 1981. Regarding the above matter an industrial dispute was raised by Shri R.S. Bharti, Dalit Mazdoor Sangh before the Assistant Labour Commissioner (Central), Dhanbad and the management appeared before the aforesaid Labour Commissioner (C) and in the long run the conciliation failed and this case was referred to the Ministry of Labour for adjudication.

It has been stated further that the management has submitted a letter vide No. ALK/PA87/ALC/delisted/3594 dated 20-5-87 addressed to the Asstt. Labour Commissioner (C), Dhanbad under the signature of the Manager, Alkusha Colliery which consists the attendance of the female workmen as mentioned in the letter. The attendance of the working days of the female workmen has been mentioned against their names in the letter. However, the management admitted the genuinity of the female workmen as mentioned above in his letter No. VII LPM :F-IR :Alkusha 81 : 1339 dated 9th September, 1981 addressed to the General Manager (Personnel), Karmik Bhawan, Dhanbad under the signature of the Personnel Manager, Bhagabani Area. It has been stated by the union of the concerned workmen that the management has been making pretention in giving the employment to the aforesaid female workmen by saying that there are several claimants more than one claimant for one job. But this is not a fact that the claimants more than one have claimed for job so far. The union has submitted the list of the claimants of the female workmen with their full addresses along with their photos affixed on the list duly certified by the Secretary, Sri R.S. Bharti of Dalit Mazdoor Sangh before the Asstt. Labour Commissioner (Central), Dhanbad which is available in the file No. 5(71)/87 and the same list was also given to the management. The union has submitted that some delisted female workmen have already been given employment by the management standing on the same footing, but all these 13 workmen have not been given employment as yet.

It has been stated further that out of 13 female workmen the Ministry of Labour has referred the details of the 10 female workmen as the photographs of the rest three female workmen were not sent to the Ministry of Labour, Govt. of India. Hence the Ministry of Labour referred the cases of only 10 female workmen, of Alkusha Colliery. It has been stated that the above female workmen are genuine beyond any shadow of doubt. In view of the above facts, the union has submitted to pass an Award holding that the action of the management of Alkusha Colliery in not providing employment to ten delisted female-casual wagon

loaders or their dependants is not justified and to direct the management to provide employment to the workmen or their dependants.

3. In the Written Statement submitted on behalf of the management it has been stated that the present reference is not legally maintainable. They have submitted that the delisted casual wagon loaders have no right to claim for employment under the management. There is no provision of law to provide employment to Ex. delisted casual wagon loaders who had worked on some days during the years from 1973 to 1976 to load some extra wagons placed on Railway sidings as and when so required. Moreover, in the years 1980, 1981 and 1982 the management decided to employ Badli Miner/Loaders in different Collieries to engage them during sick and leave vacancies of permanent Miner/Loaders in under ground mines. The General Managers of different areas were authorised to decide the requirement of Badli Miners/Loaders of different Collieries under their respective control and to employ required number of Badli Miners for each colliery out of the ex- delisted casual wagon loaders.

It has been submitted on behalf of the management that female workers are unsuitable for employment in underground mines and as a result the female workers could not be taken as Badli Miner/Loaders. Therefore, first preference was given to male delisted casual wagon loaders who offered for his employment in underground mines and was physically found suitable. If the requirement was met out of male ex-delisted casual wagon loaders, there was no scope for employing further Badli workmen. In case the requirement could not be met out of male delisted casual wagons loaders the dependants of female delisted of wagon loaders would be enrolled as Badli Miners/Loaders if any one would offer for such job and could be found suitable for such job. This was done in exceptional circumstances and not in all collieries after obtaining special approval from Headquarters. There was no rule for employment of all the ex-delisted male casual Badli Loaders and dependants of ex-delisted female casual wagon loaders as Badli Miner/Loaders irrespective of requirement and without consideration of their suitability and without receiving offer from them for their underground employment. The selection of Badli Miner/Loaders was purely under the discretion of the management on the basis of individual merits after fulfilling minimum eligibility conditions of employment. The minimum eligibility condition was 75 days of attendances during the period from 1973 to 1976 for consideration for selection for enrolment as Badli Miner/Loaders, Management have asserted that the circulars issued to the General Managers in 1980, 1981, & 1982 were for employment of Badli Miner/loaders out of ex-delisted casual wagon loaders and against the requirement in 1980, 1981, 1982 and not against future requirements.

The concerned ladies are claiming to be ex-delisted female casual wagon loaders and are asserting to have put more than 75 days attendance during the period from 1973 to 1976 and are demanding employment. It is submitted

that the delisted casual wagon loaders were working in more than one colliery and under different employer as they were not on the rolls of any colliery or employer and almost all of them got regular jobs by 1982.

It has been alleged by the management that attempts are being made from time to time by unemployed persons to assume the names of ex-delisted casual wagon loaders and to get themselves inducted into the employment of the management through litigations. It is submitted that the concerned persons are not genuine workers and have assumed the names of ex-delisted casual wagon loader and are demanding employment. The delay in raising the present dispute and consequent reference is the clear indication of concoction and manipulation of facts of the case. Management have further submitted that those delisted casual wagon loaders having worked in 1973 must be above 45 to 50 years of age and taking them in the employment as badli Miner/Loaders at this stage in preference to young and energetic persons of 18 to 20 years will be detrimental to the efficiency and performance of the Coal Industry. Therefore, the scope of reviving the old obsolete scheme of enrolment of Badli Miner/Loaders out of delisted casual wagon loaders does not arise. During the years 1980, 1981, 1982 the required number of Badli Miner/Loaders for Alkusa Colliery were selected out of ex-delisted casual wagon loaders and some dependants of ex-delisted female casual wagon loaders who offered for employment as Miner/loaders of underground mines and the chapter was closed in 1982. At this stage it is difficult to say if the concerned ladies at all applied for enrolment of their dependants within the times stipulated in the notices displayed on notice board or not. It is submitted that selections were made on the occasion, out of the persons who applied for employment. It is difficult to point out at this stage if the cases of the concerned ladies were ever processed in the year 1980, 1981, or 1982 and were rejected due to non-requirement or for any other reasons. The concerned ladies or their dependants had no right to claim for their employment at any point of time and they cannot demand for their selection for employment when there was no requirement for large number of Badli workers. Therefore, the present reference is invalid and inoperative and the concerned ladies are not entitled to any relief. Accordingly, prayer has been made to pass an Award rejecting the claim of the concerned workmen.

4. Both the parties have filed their respective rejoinders.

5. In the rejoinder filed by the workman side to the Written Statement of the management the union have stated that the statement of para 1 of the W.S. of the Employers is matter of record. In respect of paras-2 and 3 of the contents of the W.S. of the management the union have submitted that they are not correct. With regard to para-4 of the contents of the W.S. of the management the union have submitted that the management of Alkusa Colliery had decided to offer employment to the Delisted workers, who ever may be male or female and the Alkusa

Colliery has engaged 52 Delisted workers in the employment vide letter no. VII/PM/F-Delisted Casual/EST/82/378 dated 12-3-1982 and the claims for the employment by the present claimants of this reference from 1 to 13 are genuine and correct. It has been further stated that the management vide his reference No. VII:PM:FIR: Alkusa SI:1339 dated 9th September, 1981 addressed to the General Manager (Personnel), Karmik Bhawan , Dhanbad in which the management have penalised 13 cases of the list submitted by the management to examine the genuinity of the workmen concerned . The claimants of the present reference are their cases, which was finalised by the management.

In respect of the contents of para -5 and 6 of the W.S. of the management the union have submitted that they are not correct. With regard to para-7 of the contents of the W.S. of the management the union have admitted it to be correct and para -8 of the W.S. of the management the union have stated that it is substantially correct. In respect of the contents of para -9, 10 and 11 of the W.S. of the management the union have stated that they are incorrect, and in respect of the contents of para-12 of the W.S. of the management the union have submitted the same as incorrect. With regard to para 13 to 22 of the W.S. of the management the union have submitted them to be simple rejoinder and no comments offered. It has been stated by the union that there is no merit in the W.S. of the Employers and accordingly has payed to pass an Award in favour of the workmen .

6. In the rejoinder to the W.S. of the Union/Workmen the management have stated that para-1 of the W.S. filed by the union is the reproduction of the terms of reference and no comments needed to be offered . The management have denied the contents of para 2 of the W.S. of the Union and in respect of para 3 and 4 of the W.S. of the Union management have stated them to be the matters of record. With regard to para 5 and 6 of the W.S. of the union the management have denied the contents mentioned therein. With regard to the contents of para 7 of the W.S. of the union management have stated it to be the matter of record and denied the contents of para 8 of the W.S.of the union. With regard to the contents of para 9 of the W.S. of the union the management have stated it to be the matter of record and in respect of para-10 of the contents of W.S. of the Union the management have denied the same. Management have submitted their prayer to pass an Award holding that the concerned workmen are not entitled to get any relief.

7. On behalf of the workmen Raj Kumari , Bhulba Debi and Ram Sunder Bharti have been examined as WW-1, WW-2 and WW-3. Management have produced C.Mishra who has been examined as MW-1. He has proved documents marked as Ext M-1, M-2 and M-3.

8. No oral argument has been advanced on behalf of the parties. Notice was sent to the parties on 26-6-2009 for hearing argument on 13-8-2009. But nobody has appeared except the Management representative Mr. D.K.verma whose argument was heard, and I have also perused the file.

9. The demand of the concerned workmen is that the dependents be given employment as per Circular letter No.BCCL/ACPM/PS/82/61059-61759 dated 9-11-82 marked as Ext M-2. In this respect management counsel Mr. D.K.Verma argued that this Ext.M-2 has been withdrawn by the management as per Ext. M-3. It has also been argued that the demand has made by the casual workers for employment of their dependants which is not possible. All workmen are female and according to the management's counsel's argument female employees have got no work with the management because the work is in the underground mine and they cannot be deployed there.

10. WW-1 Raj Kumari has stated in her examination chief at page-1 "It present I have no document to show my employment in BCCL ." At page -2 in course of her cross-examination she has stated " The contractor under whom I was then working was Sri Ram swrup . Ram swrup took contract work of wagon loading . Even after nationalisation of colliery it was Ram swrup who was looking after my work. " This statement of the concerned workmen WW-1 shows that she has got no document of employment in BCCL . So her dependant cannot be given employment . Moreover, as per her evidence it shows that they were contractors workers and the contractor used to supervise their work .

11. WW-2 Bhulba Devi also stated in examination in chief that no other workmen in her name had applied for service. She along with WW-1 had worked together under the same contractor also. This statement she has made in course of her cross-examination . She has also stated "This is the only dispute raised on our behalf in connection with our service. After nationalisation I had not filed any application to the management to be appointed in BCCL " WW-3 Ram Sunder Bharti has stated in course of his cross-examination " I have never worked as workmen in the said colliery after the acquisition of the colliery by M/s. BCCL . I have got documents regarding their appointment , pay slip, Identity card and Payment of Bonus. Again says that there is no Identity card No provident fund receipt granted by the company to these concerned workmen . From the casual labourers no provident fund is deducted by the company. Only the P.F. is deducted from regular workman. there is no legal provision for regularisation of casual workers having rendered 75 days of work in a calendar year. " This statement of witness shows that they have got no right for regularisation as they are casual workers. When the concerned workman have got no right for regularisation , their dependents cannot be considered for employment. In the result, the following Award is rendered :—

"The action of the management of Alkusha Colliery under Kustore Area No. VIII of M/s. BCCL., PO. Kustore, Dt. Dhanbad in not providing employment to ten delisted female casual Wagon Loaders (shown in Annexure) or their dependants is justified. Consequently they are not entitled to get any relief. "

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय सांगली के पंचाट (संदर्भ संख्या आई.डी.ए.34/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/234/97-आई.आर.(बी-II)]

यू. एस. पाण्डेय, अनु. अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3544.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. DA34/1998) of the Labour Court, Sangli now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 3-12-2009.

[No. L-12012/234/97-IR(B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER LABOUR COURT, AT SANGLI

[Presided over by Shri A. S. Kazi, (B.A. LLM)]

Ref(I.D.A.) No. 34/98

Adjudication Between

Syndicate Bank : 1st Party
Zonal Officer, Maker Tower
No. E, Cuffe Parade, Colaba,
Mumbai-400005.

AND

Shri Annasaheb Martand Mote : 2nd Party
C/o. A. D. Yedke, 312/B,
ST Stand Road,
Sri Ganganagar-416416

Claim :

In the matter of reinstatement with continuity of service and full back wages of 2nd Party.

Coram :

A. S. Kazi, Presiding Officer

APPEARANCES

Shri V. G. Sakale, advocate for 1st Party

Shri K. D. Shinde advocate for 2nd Party

AWARD

(Delivered on 7th day of November, 2009)

Brief facts of the reference

I. The Government of India Ministry of Labour, New Delhi has forwarded this reference under Clause (d) of Sub Section 1 and Sub Sec.2A of Section 10 of the Industrial Disputes Act, 1947 for adjudication of the following issue raised by the second party :-

“Whether the action of the management of Syndicate Bank Sangli in terminating the services of Shri Annasaheb Martand Mote, Pigmy Agent w.e.f. 18-4-1995 is legal and justified? If not to what relief the said workman is entitled?”

2. After the reference was received by this Court, the notices were issued to both the parties and the second Party filed its statement of claim at Exh. U-7. It is the case of the second party workman Annasaheb Martand Mote that, he was in the employment of the first party management as a pigmy agent from 12-10-1988 and was posted with the first party bank, which is a nationalized bank having branches all over India. The service record of the second party workman was very clean and satisfactory. The first party terminated the services of the second party w.e.f. 5-4-1995 and the termination is wrongful on the face of it and therefore, the second party raised the industrial dispute, but the industrial dispute was not amicably settled only due to the adamant attitude of the first party. Hence, the present reference is made by the appropriate government for adjudication by this Hon’ble Court.

3. It is further contended that, the second party workman was appointed as a pigmy agent on 12-10-1988 and his performance was so excellent, that he had been awarded a special prize by the bank on 1-2-91 in recognition of outstanding collection made during the pigmy collection competition 1989-90. It is further alleged that, right from the appointment till 5-4-1995 the second party workman worked honestly and sincerely and to the satisfaction of his superiors. His service record for the entire service tenure of 7 years is clean and unblemished. There is no memo, warning or any other punishment to the discredit of second party workman.

4. It is further contended that, the second party workman worked continuously and he put in 240 days of service in each year and rendered continuous service as defined under Sec.25 B of the Industrial Disputes Act, 1947. However, it is contended that, the first party management planned systematically to terminate the services of the second party workman. The Branch Manager of the first party bank issued show cause notice on 28-3-1995 and called for explanation of the second party workman on very flimsy grounds i.e. cut note of Rs. 20 only. It is contended that, the second party workman was bound to collect the notes for the bank from the clients by visiting their home, shops, factory etc. and the notes deposited by the second party were not from his pocket but received from the depositors. The second party offered his

explanation in respect of the cut note on 4-4-1995 but the first party immediately on 5-4-1995 terminated the agreement of employment unilaterally. It is further contended that, the termination of services of the second party is in the style of hire and fire and is terminated without giving any opportunity of being heard. The second party was not charge sheeted regularly. No enquiry was conducted. He was not given fair and proper opportunity to defend himself. Therefore, the termination is punitive and stigmatic and is without enquiry. The second party was not also given one month's notice, notice pay or retrenchment compensation on all counts the termination of the second party is illegal, improper, unfair, unjustified and unwarranted. Lastly, it is contended that, a pigmy deposit collector is a workman as defined under section 2S of the Industrial Disputes Act, 1947. It is further, contended that, the second party workman is unemployed since dismissal. Hence, it is prayed that the reference be allowed and the second party workman may be reinstated with continuity of service and full back wages.

5. The first party bank filed its Written Statement at Exh.C-3, thereby opposing the statement of claim of the second party workman. It has denied the entire averments made in the statement of claim of the second party to be wrong and false. It is specifically denied that the second party was in the employment of the first party as a workman. It is further denied that the service record of the second party was very clean and satisfactory. It is contended that, the second party was not honest and sincere. It is denied that, the second party was working to the entire satisfaction of his superiors. It is further denied that, no warning or memo or other punishment was imposed upon the second party. It is further denied that, the second party worked continuously and rendered continuous service of 240 days in a year under Sec. 25 B of the Industrial Disputes Act, 1947. It is further denied that the first party planned systematically to terminate the alleged services of the second party. It is further denied that, notice dt. 28-3-95 from the first party bank was not proper and that on flimsy grounds the show-cause notice was issued to the second party and that without giving any opportunity of hearing the services of the second party were terminated. It is contended that, in the present case there is no need of issuance of charge sheet and that the case does not attract one months notice, notice pay or retrenchment compensation. It is denied that the termination of the second party is illegal improper, unfair, unjustified and unwarranted.

6. It is further contended on behalf of the first party management that the second party was a pigmy agent with the first party bank on the basis of the agency. The relationship between both the parties was that of principal

and agent and there is no relationship of employer-employee between the first party and second party. It is contended that, the second party does not come within the definition of workman under the Industrial Disputes Act, 1947. It is contended that, the second party was appointed as a pigmy agent by the first party on 12-10-98 on the basis of agency agreement entered into by the second party with the first party bank. The second party the agent had to collect pigmy deposits and earned a commission as a percentage to their monthly collection, the agents are free to decide the mode and time of doing their work. They are required to visit the bank and tender the collection made on the previous day on the immediate following day, with the statement of collection. The service rules of the first party bank do not apply to pigmy agent. The pigmy agent cannot be deemed as employees of the bank. The pigmy agent have no specific hours of work, no educational qualification has been prescribed. It is also contended that, the pigmy agents are free to engage themselves in any other full time or part time work which the regular employees of the bank cant do. Hence, it is contended that, the pigmy are not workmen. It is further contended that, the second party was not honest and sincere and he was advised to improve by the first party on 8-6-90 and 2-1-1991. He was also reprimanded on 7-4-91. The second party was irregular, his average collection and the customers are very less in numbers. The conduct of the second party was adversely commented by the superiors. The agency agreement with the second party was terminated by the first party from 18-4-95. The clause 14 of the agency agreement entered into between both the parties provides for termination of the agency at any time without notice. It is contended that, the second party is bound by the terms and conditions of the agency agreement. He was not employee of the first party bank and hence, the question of reinstating him with continuity of service with full back wages does not arise. Hence, it is contended that, the claim of the second party is false, frivolous and vexatious and second party is not at all entitled to claim any relief under the law. Hence, it is prayed that, the reference and claim of the second party be rejected with costs.

7. In view of the rival pleadings of the parties my learned predecessor framed the following issues below Exh.O-6 and I record my findings thereon for the reasons enumerated hereinafter :

	Issues	Findings
(1)	Whether the second party proved that, there was employer-employee relationship between 1st party and himself ?	In the affirmative

- (2) Whether the punishment : In the affirmative of termination given to the 2nd party is illegal and disproportionate?
- (3) Whether the 2nd party : Yes, but only reinstatement with continuity of service and full back wages?
- (4) What order? : As per final order.

REASONS

8. As to issue No. 1 :- The first question which arises for determination is whether there was employer-employee relationship between the second party and first party. On behalf of the first party management, it is contended that, there was purely the relationship of principal and agent between the parties and if at all the said relationship was contractual. It is submitted that, the documents at Exhs. C-6 to C-8 which are the indemnity deed, the appointment order and memorandum of agreement go to show that there was purely a contractual relationship between the parties. It is further submitted that, unlike the regular employees of the bank, the pigmy agents have no fixed hours of working and the bank has no control over them hence, they cannot be deemed to be the employees of the bank. Hence, it is submitted that, this issue be answered in the negative.

9. As against this, on behalf of the second party learned counsel Shri K. D. Shinde argued that, the second party was a 'workman' of the first party as defined under Sec. 2S of the Industrial Disputes Act, 1947. He submitted that, the pigmy agents have to fill in various forms, accounts, registers and pass books. They also have to do such other clerical work as the bank may direct. Therefore, they are accountable to the bank and under the control of the bank. He placed his reliance upon the authority of the Hon'ble Apex Court reported in 2001 I CLR page 986 in the case of Indian Banks' Association V/s. Workmen of Syndicate Bank and Others in which the said proposition argued here in before on behalf of the second party is laid down in para No. 26.

10. I have gone through the authority of the Hon'ble Apex Court cited at Supra. The facts of the said case are para materia to the facts of the present case. Incidentally, the bank involved in the above authority is the same as the first party. Their Lordships of the Apex Court were pleased to hold therein that undoubtedly the deposit collectors are not regular employees of the bank but they nevertheless are workers within the meaning of the term as defined in the Industrial Disputes Act, 1947. Their Lordships were further pleased to hold as under in para No. 27 :—

"There is clearly a relationship of master and servant between the deposit collectors and the concern bank."

So, in view of the above settled law the argument of the first party that, there was a pure contractual relationship between the first party and second party cannot be upheld. In the result I answer issue No. 1 in the affirmative.

11. As to issue Nos. 2 and 3 :- This reference was made for the adjudication of the question whether the action of the management of the first party, in terminating the services of the second party is legal and justified and if not to what relief the said workman is entitled. Therefore, issue Nos. 2 and 3 came to be framed.

In support of his contention the second party examined himself as PW No. 1 at Exh. U-10 and thereafter, the first party examined its representative Ashok Karnataka as DW No. 1 at Exh. C-20.

12. In the light of the evidence adduced on both the sides I have myself gone through the record of the case. On behalf of the second party it is contended that, the second party being a workman within the meaning of Sec. 2S of the Industrial Disputes Act, 1947, it was incumbent upon the first party management to conduct a regular enquiry against him and to afford an opportunity of hearing to the second party but the first party management hurriedly issued the notice to the second party on 4-4-95 and immediately on 5-4-95 terminated the agreement of employment unilaterally. It is also contended that, the second party was not charge sheeted regularly and no fair and proper opportunity to defend himself was given to the second party. Therefore, the termination is punitive and stigmatic and without an enquiry. Hence, it is prayed that, the reference be allowed.

13. As against this, it is submitted on behalf of the first party management that, a number of irregularities were committed by the second party and a number of memos were issued to him. It is also submitted that, there being a contractual relationship between the parties, it was not necessary to hold an enquiry. Moreover, clause No. 14 of the agreement at Exh. C-8 permitted the management to terminate the agency without notice if the work of the agent was adversely commented upon by the manager of the bank.

14. After hearing the parties and on perusal of the record I find that the first party management appears to have proceeded on the assumption that, the second party was not a "workman" within the meaning of the Sec. 2S of Industrial Disputes Act, 1947 and that therefore, he was not entitled to any due procedure of law as prescribed under the Industrial Disputes Act, 1947 or to any principles of natural justice. However, as observed above while deciding issue No.1 and in view of the law settled by the Hon'ble Apex Court in the authority cited at Supra reported in 2001 I CLR 986, it is no more res integra that, deposit

collectors are "workman" within the meaning of the Industrial Disputes Act, 1947. This being so, even if it is assumed that, there were some breaches committed by the second party workman, he was entitled to a fair and reasonable opportunity of defending himself in a regular enquiry. But, no such enquiry appears to be admittedly held by the first party management. It appears that, on 4-4-95 a notice was issued to the second party on the flimsy ground as to why he had collected cut notes from the customers and deposited the same with the bank and immediately on 5-4-1995 his employment was terminated without taking into consideration the explanation offered by him. Therefore, there was violation of the principles of natural justice and there was a miscarriage of justice to the second party. The action of the first party management was punitive and it casted a stigma on the second party and therefore, all the more the first party ought to have given a fair, reasonable and proper opportunity to the second party by holding a regular enquiry but it fail to do so. Therefore, I answer issue No.2 in the affirmative.

15. Now, it remains to be decided whether the second party is entitled to reinstatement with continuity of service and with full back wages. It is argued on behalf of the first party management that in the authority cited at Supra reported in 2001 I.C.L.R. 986 the Hon'ble Apex Court observed that, the deposit collectors though are 'Workmen' are not entitled for absorption as regular employees. However, it is correctly argued on behalf of second party that the violation of the provisions of the Industrial Disputes Act, 1947 entitle the second party workman to "reinstatement" and that second party is not claiming absorption but only reinstatement till due process of law is followed in his case. On a conspectus of the above discussion it needs to be repeated here that as there is a total violation of the due process of law and of the principles of natural justice in terminating the services of the second party workman by the first party management, he is entitled to reinstatement with continuity of service. However, so far as back wages are concerned, it is an admitted fact that, the second party was never paid any fixed wages but, he used to work on commission on the total amount collected by him. Therefore, in such circumstances the Court will have to only conjecture and assume the actual amount which second party might have collected had he been in employment. Such an exercise would be futile especially when the second party brought no evidence before the court about his earnings when he was employed. Therefore, I hold that, the second party is entitled to be reinstated with continuity of service without back wages. Accordingly, I answer issue No.3 in the affirmative by holding that second party is entitled to be reinstated with continuity of service only. In the result I proceed to pass the following order.

ORDER

(1) The Ref. (IDA) No. 34/98 is hereby partly allowed as follows.

(2) The first party employer is hereby directed to reinstate the second party workman with continuity of service within one month from today on the post of the pigmy agent.

(3) No order as to back wages.

(4) In the circumstance of the case both parties shall bear their own costs.

(5) Five copies of this award be send to the Government of India Ministry of Labour, New Delhi 110001 for publication and necessary action.

Date-7-11-2009

A. S. KAZI, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2009

का.आ. 3545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.ओ.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 343/2000, 341/2000, 345/2000, 359/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2009 को प्राप्त हुआ था।

[सं. एल-30012/55/2000-आई.आर.(एम)]

[सं. एल-30012/52/2000-आई.आर.(एम)]

[सं. एल-30012/50/2000-आई.आर.(एम)]

[सं. एल-30012/54/2000-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 3rd December, 2009

S.O. 3545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 343/2000, 341/2000, 345/2000 & 359/2000) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 2-12-2009.

[No. L-30012/55/2000-IR(M)]

[No. L-30012/52/2000-IR(M)]

[No. L-30012/50/2000-IR(M)]

[No. L-30012/54/2000-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

**Case No. I.D. No. 343/2000, 341/2000, 345/2000,
359/2000.**

1. Shri Joga Singh C/o Shri Karan Singh, Secretary Bharti Muzd Sangh Lal Bati Chowk, G. T. Road, Panipat.
2. Shri Parmod Kumar C/o Shri Karan Singh, Secretary Bharti Mazd Sangh Lal Bati Chowk, G. T. Road, Panipat.
3. Shri Gajinder Singh C/o Shri Karan Singh, Secretary Bharti Muzd Sangh Lal Bati Chowk, G. T. Road, Panipat.
4. Shri Subhash Kumar C/o Shri Karan Singh, Secretary Bharti Mazd Sangh Lal Bati Chowk, G. T. Road Panipat.

....Applicants.

Versus

The Executive Director, IOCL, Panipat Refinery Project, Bohali, Panipat.

....Respondent

APPEARANCES

For the Workman	Workmen in person with representative Sh. Karan Singh
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For the Management	Sh. V. K. Kaushal, Advocate.
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AWARD

Passed on 20-11-09

This Award shall dispose of four references of different workman referred by Central Government by different notifications. The references which are being disposed of by this Award are as follows:—

1. No. L-30012/55/2000-IR(M) Dated 30-8-2000 (Sh. Joga Singh)
2. No. L-30012/52/2000-IR(M) Dated 30-8-2000 (Sh. Parmod Kumar)
3. No. L-30012/50/2000-IR(M) Dated 07-9-2000 (Sh. Gajinder Singh)
4. No. L-30012/54/2000-IR(M) Dated 11-9-2000 (Sh. Subhash Kumar)

Common questions of law and facts are involved in all the four references, hence, all the reference are disposed

of by a single Award. In all the four references, the nature of work claimed to be worked by each workman is also similar. Only in the reference of Shri Joga Singh, an additional plea has been taken by the management, which shall also be dealt with along with the common questions of law and facts.

In all the references, the workmen have claimed that they worked with the management for more than 240 days in Accounts Section in the preceding year from the date of termination. They were directly appointed by the management of the Indian Oil Corporation. Their services were retrenched by the management without payment of retrenchment compensation. No notice before their retrenchment was given. On the basis of these facts all the workmen have prayed for declaration of their retrenchment, as illegal being against the provisions of the Act and for their reinstatement into the services with full back wages.

The management of respondent appeared and contested the claim of each workman by filing written statement. It is contended by the management that none of the workman was directly appointed by the management. The services of the workmen were provided through the contractor. The management also challenged the employer and employee relationship with workman.

On perusal of pleadings of the parties, it is evidently clear that the main issue for adjudication before this Tribunal is : Whether workmen are employees of the management of Indian Oil Corporation? The consequential question to be answered is whether their termination from the services is illegal and the relief to be given to the workmen, if any?

Opportunity for adducing evidence was given to the parties. Statement of every workman was recorded by this Tribunal. On behalf of the management, one Officer of Corporation in each file filed the affidavit and he was cross-examined by learned counsel of the workman.

Parties were heard at length. Learned counsel for the workman argued that all the workmen were engaged/appointed by the management of Indian Oil Corporation. If their appointments and rendering the services have been shown through contractor, it is illegal being against the provisions of the Contract Labour (Regulation and Abolition Act, 1970). It is also submitted by learned counsel of the workmen that all the workmen were directly under the administrative control of the management. They were paid wages by the management of the Indian Oil Corporation and in fact, they were the employees of the Indian Oil Corporation and that of not any contractor.

On the other hand learned counsel for the management of Indian Oil Corporation submitted that all

the workmen worked through a contractor, hence, there is no master-servant relationship between them. Different contractors provided with the services of the management. The contractor was paid the wages and accordingly, contractor paid the wages to the workmen. None of the workman was under the administrative control of the management.

The issue of employer-employee relationship between the management of Indian Oil Corporation and the workmen is a mixed question of facts and law, and accordingly, shall be adjudicated on the basis of evidence and pleadings of the parties.

In all the references, it is admitted fact that no appointment letter was issued by the management. It is denied by the workmen that the payment of wages were made good by the contractors, but on perusal of the documents filed by the management, it is evidently clear that the payment to the workmen were made good by the respective contractors and not by the management of Indian Oil Corporation. Hon'ble Supreme Court in 2008 LLR-801, GM ONGC Silchur Vs. ONGC Contractual Workers Union had laid down the criteria to establish the direct employee-employer relationship between the workmen and the management of any organization. If the ratio of GM ONGC Silchur's case (*supra*) is applied in the instant references, the workmen have to prove the following facts to establish the employee-employer relationship :—

1. That there existed a relationship of master and servant.
2. That there was no contractor appointed by the management of Indian Oil Corporation Ltd.
3. The management of Indian Oil Corporation Ltd., used to supervise the alleged work assigned to individual workers.
4. That the management of Indian Oil Corporation Ltd. took disciplinary action and called for explanation from the workers.
5. That the workers were paid wages by the management of Indian Oil Corporation Ltd., directly and not through the contractor.
6. At the cost of repetition, the wages were paid directly to the workers by the management of Indian Oil Corporation Ltd., and the acquaintance roll were prepared by the management of Indian Oil Corporation Ltd., to make the payment to the workers.

If the above mentioned ratio of GM ONGC, Silchur's case (*supra*) is applied in all the references, it is clear that workmen have failed to prove that they were appointed/engaged by the management of Indian Oil Corporation.

There is no iota of evidence on record to prove that they were directly under the administrative control of the management of Indian Oil Corporation. No doubt, it is contended by the workmen that their attendance were marked by the officers/officials of management of Indian Oil Corporation, but it will not be sufficient to prove the administrative control over them.

In ID No. 343/2002, Shri Joga Singh Versus Indian Oil Corporation, it is the additional claim of the management that Shri Joga Singh was afforded the opportunity to qualify the test as per rules of the Corporation. He could not qualify the test and accordingly, was not selected. This fact is admitted to Shri Joga Singh. The materials on record prove that at the time when Indian Oil Corporation was in the initial stage for settle it down at Panipat, services of various personnel were taken through some agencies. The documents also prove that the Agency who provided with the services to the Corporation paid the wages to the workmen. In none of the case the management has paid the wages directly to the workman. It is admitted that no appointment letter was given to any of the workman. None of the workman applied for the post on which they claimed to work. They were supposed to file/adduce some cogent evidence like sanction of leave application, disciplinary action, if any, taken by the management etc. to prove the administrative control of the management over them. Few instances by filing copy of certain challans have been shown by the workmen and in my view this is not the sufficient evidence to prove the administrative control over workmen.

On the payment of wages, the management of Indian Oil Corporation has filed the documentary evidence, which proves that consolidated amount on the basis of number of days worked by the workmen were paid to the contractor and the contractor on the other hand used to pay wages to the workmen. The management has filed all the relevant documents, such as, attendance sheet signed by the officers of the Indian Oil Corporation, order of payment passed on attendance of the workmen to the contractor, and thereafter, the payment of wages by the contractor to the workmen. Moreover, the management has also filed the detailed description of pay rolls containing all the details of payment of wages made good to its workmen, employees and officers. The name of workmen did not find place in these pay rolls.

The management of Indian Oil Corporation has also apprised this Tribunal that there is the procedure for recruitment of workmen for a particular work. No workman was recruited/appointed as per the rules of the department. Their services were provided with by a contractor on outsourcing.

On perusal of all the evidence, oral and documentary, given by the workmen/officer of the management of the Indian Oil Corporation, I am of the view that payment of wages to all the workmen were made good by the contractor and not by the management of Indian Oil Corporation.

The above discussion proves that neither the workmen were appointed/engaged by the management of the Indian Oil Corporation nor they were under the administrative control of the Indian Oil Corporation. They were also not paid the wages by Indian Oil Corporation. Hence, there existed no master-servant relationship between the management of Indian Oil Corporation and the workmen.

In ID No.343/2002 Shri Joga Singh was afforded the opportunity to qualify the test as per the rules of the department. He appeared in the examination but could not qualify the test. Thus, the failure of workman Joga Singh to qualify the test cannot be answered here because the virus of selection process is not the subject matter of the reference.

Almost in all the four references, it is also contended by the workman that the contract, if any, shown by the management of Indian Oil Corporation was camouflage and shame. In ONGC Silchur's case (*supra*) the conditions under which a contract can be treated camouflage and shame are mentioned. Hon'ble Supreme Court in this case has relied upon the law laid down in Steel Authority of India Ltd. and others Vs. National Union Water workers and Others AIR 2001 SC-3527. The question before this Tribunal is under what circumstances the contract between management of Indian Oil Corporation and the workmen can be held to be shame and camouflage? In case the contract has been held to be shame and camouflage, the contract labour working under the management of principal employer are held to be the employees of the Indian Oil Corporation. It depends on the facts and circumstances of each case, whether the contract executed in between management and the contractor is camouflage and shame? It is also an issue of facts and has to be decided on the facts and circumstances of the case. Whether there is a genuine contractor, and whether there is a proper master-servant relationship in between the management of the Indian Oil Corporation and the workmen also depends on the facts and circumstances of each reference? The Court/Triual has to apprise whether these facts emerged in reality or there was some paper arrangement to make the payment good to the workmen through contractor?

Almost in all the references, the nature of contract is challenged by the workmen. No doubt, in almost all the references it is not mentioned in the pleadings that there was a contract between the contractor and the management of Indian Oil Corporation. But the documents provided

with and filed by the management of Indian Oil Corporation proved that the workmen were having the notice and knowledge that their services are being taken through a contractor. On the basis of the documents, I am of the view that prior to raising the Industrial dispute; the workmen were having the knowledge and notice that their services were provided to the management of Indian Oil Corporation through contractor, but there is no mention of this fact in pleadings except in two references. It is contended by the workmen that the contract is shame and camouflage and void being against the provisions of Contract Labour (Regulation and Abolition) Act, 1970. Unless and until the terms and conditions as laid down in GM ONGC's case (*supra*) are not fulfilled, no workman can be treated as the direct employee of Indian Oil Corporation.

The next issue of the disposal before this Tribunal is whether the workmen will be deemed to be in the services of the management of Indian Oil Corporation on account of violation of any of the provisions of Contract Labour (Regulation and Abolition), Act 1970? It is issue of law and has limited concern with the facts. On the issue of facts, I have already given my view that the workmen are not employees of the management of Indian Oil Corporation, but their services were provided with to the management by the different contractors. As this issue of law is also raised by the parties, it is the duty of this Tribunal to decide it was well. On this issue, I am of the view that there may be three circumstances :—

- I. There may be a case where the practice of contract labour is prohibited by the appropriate Government under Section 10 (1) of the Contract Labour (Regulation and Abolition) Act, 1970.
2. There may be an issue regarding the registration of establishment of principal employer under Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970.
3. There may be an issue regarding the license by the contractor under Section 12 of Contract Labour (Regulation and Abolition) Act, 1970.

The issue to be decided is whether in the case of violation of any of the provisions mentioned under Section 10 (1), Section 7 and Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970, the contract labour shall be deemed to be an employee of the principal employer?

This issue has been settled by the Hon'ble the Apex Court in Steel Authority of India Ltd.'s case (*supra*). Moreover, Punjab and Haryana High Court in Food Corporation of India and others Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh and others 2008 LLR 391, has decided

this issue after relying the ratio of Steel Authority of India Ltd., case (supra). Without mentioning the relevant paras of Steel Authority of India Ltd. case (supra) and of Food Corporation of Indian and others Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-1's case (supra), I am relying the ratio of both of the judgments, and the ratio of both of the judgment is that if there is any violation of Section 7 of and Section 12 of the Contract Labour (Regulation and Abolition) Act, then only penal provisions of Section 23 and Section 25 of the said Act are attracted. Hence, it is nowhere provided that such employees, employed through the contractor would become employees of the principal employer.

Accordingly, I am of the view that none of the workmen was the employee of the management. There was no relationship of master-servant and the employer and employee between the workmen and the management of Indian Oil Corporation. Thus, no question for termination of the services of the workmen by Indian Oil Corporation arises. All the references are answered accordingly, and the workmen are not entitled for any relief. Let Central Government be approached for publication of the award, and thereafter, the file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 3546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न. 1, धनबाद के पंचाट (संदर्भ संख्या 121/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/9/एफ/1994-आईआर(सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 3546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.121/1994) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 4-12-2009.

[No. L-22012/9/F/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of I. D. Act.

Reference No. 121 of 1994

Parties : Employers in relation to the management of Food Corporation of India.

AND

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri Ramesh Singh, Area Manager

For the Workman : Shri V. Kumar, Representative.

State : Bihar

Industry : Food

Dated, the 4th November, 2009

AWARD

By Order No. L-22012/9/F/94-1R (C-II) dated 11-5-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of F.C.I. in not regularising the services of Class IV workman and denying wages and all other benefits of a regular Class-IV workman w.e.f. 22-4-84 to Shri Madan Mohan Singh, casual workman is legal & justified? If not, to what relief the workman is entitled to?”

2. The case of the concerned workman is that he was employed by the management at Food Storage Department, Hajipur on 22-4-84 as casual workmen to perform the duty of subordinate cadre and since then he is performing his duty as a regular Class-IV workman without any break and also with full satisfaction of the management.

To avoid the regularisation of the concerned workman the management has created several device in designating and making payment to him though he had been performing his duty similar to regular Class-IV workman.

The casual/daily rated workmen who have completed at least 90 days service on or before 2-5-86 were decided to be regularised as per their qualification against entry level class-III and IV post in the light of the Headquarter circular dated 6-5-87 of the management and accordingly many casual/daily rated workmen were regularised as watchman in the year 1988-89 and they are getting wages and all other benefits of a regular Class-IV workmen of the management.

In view of the pronouncement of the Hon'ble Court, a decision was taken by the FCI, HQ, New Delhi for regularisation of all casual workmen as per guideline given in the circular dated 6-5-1987. The requisite qualification for Class-IV post other than sweeper is 7th pass. For sweeper there is no qualification prescribed and those who can read and write shall be eligible for appointment against the post of sweeper. Other workmen whose service were regularised are being paid at about. Rs. 3500 wages per month besides other benefits, but the concerned workman was getting Rs.400 to Rs.500 only per month.

It has been prayed before this Tribunal to pass an award holding that the action of the management in not regularising and denying the wages and all other benefits equal to regular Class-IV workmen w.e.f. the date of employment w.e.f. 22-4-84 to Shri Madan Mohan Singh, casual worker of Food Storage Department, Hajipur is illegal and unjustified and be further pleased to direct the management to regularise the service of the concerned workman as watchman in Class-IV post and to pay the wages and all other benefits of a regular Class-IV workman w.e.f. the date of employment w.e.f. 22-4-1984.

3. The case of the management is that the concerned workman, Madan Mohan Singh, was engaged as casual labour for the first time on 22-4-1984 at the Food Storage Depot Office at Hajipur. Subsequently, he was engaged from time to time as casual labour to carry on some odd jobs at the Depot office. His main and substantial job was to clean the office room and the furniture which work hardly takes half-an-hour or so. He was also required to fetch drinking water and store it in the pitchers. Considering the provision of Minimum Wages Act, the concerned workman was treated as full time employees and was being paid full day wages although his duty was for an hour or so. The concerned workman used to get wages for the number of days he used to work and has not been removed from his service till date. He is given employment as casual labour as and when required provided he intends to carry on his casual job as per the terms and conditions of the engagement. The concerned workman never performed the job of a watchman or a messenger or on any other post of a Class IV employee. Therefore, he cannot demand for his regularisation as Class-IV employee. It has been submitted that the circular dated 6-5-1987 was issued by the management for regularising the casual workmen working against the permanent post of Class-III or Class-IV employee on regular basis. The concerned workman is still on the role of the establishment as casual labour to be engaged on such jobs as he used to perform whenever he could be available for doing such jobs.

In rejoinder the management has stated almost same things as have been stated in its written statement. It has been denied that he was employed to perform the duties of

subordinate cadre. It has also been denied that the concerned workman is performing his duties regularly as Class-IV workman without any break and with full satisfaction of the management.

It has been prayed that an award be passed in favour of the management by holding that the concerned workman is not entitled to any relief.

4. The concerned workman, Madan Mohan Singh, has produced himself as WW-I who has proved Ext. W-1.

The management has produced MW-1- Kashinath Singh who has proved Ext.M 1 and M-1/2. The management has also produced MW-2- Dineshwar Singh.

5. Main argument advanced on behalf of the concerned workman that he has worked with the management since 22-4-1984 as casual workman in subordinate cadre and he is performing regular Class-IV workman's duty which has been admitted by the management in its written statement in para 3 and management's witness MW-1-Kashinath Singh, who is Asstt. Grade -ID since March, 1994. He has stated that the concerned workman was working in the depot from 22-4-84. He has stated in cross-examination that it has not been mentioned in the bills in Ext.M-1 series that the concerned workman worked for one and half hours daily. In the col.4 of exhibits full days work has been written. He has admitted that Exts.M-1/1 and Ext.M-1/2 have been signed by him as Depot Incharge and full day payment was made to the concerned workman. He has also admitted that besides cleaning and sweeping work the concerned workman is performing other miscellaneous work. He has also admitted that the concerned workman is still working since 1984 and his attendance in a month was marked only 20 to 25 days giving break for 1 or 2 days in a week.

MW-2 in cross-examination stated that there is no messenger, peon or sweeper in the depot. Watchman and messenger do the work as sweeper in the depot. The concerned workman worked as sweeper and water carrier and also opening of the room and opening of the office in the morning is done by the concerned workman and closing of the same is done by the watchman in the evening.

The concerned workman has stated in his statement that he had worked always in a month except Sundays and holidays. Other casual workers, namely, Arjun Singh and Sukumar Singh were working there. He has also stated on the basis of HQ circular of the year 1986-87 a number of casual workers were regularised. As per Ext.W-2 the concerned workman is entitled for his regularisation against the post of Class-IV. Ext.W-3 are the staff position of Bihar Region as on 31-8-90 and 30-6-96. On perusal of these statement it is clear that as on 30-6-96 there are sufficient vacancy against Class-IV posts. Ext.W-4 is the written statement filed by the workman before A.L.C. (C) Patna

dated 20-11-92 and Ext. W-5 is the written statement of the management dated 2-7-93. The case of the concerned workman has been admitted by the management in Ext. W-5 therefore, there is no need to give full details to avoid repetition of facts. Ext. W-6 are the wage bills for one month which have been filed in token to show that the concerned workman was performing his duty as full day employee not as part time and also to show the work performed by him. It has been stated in the column purpose of engagement that the concerned workman has been engaged for cleaning the office and godown, carry water for staff and miscellaneous work of the depot, therefore, it is clear that the evidence of the management and the facts mentioned in their written statement regarding performance, part-time duty and serving water only, are false in face of the Ext. W-6 and in Ext. W-5 also management has not taken any stand before the A.L.C.(C) that the concerned workman was part time employee and was doing the job of water carrier only. Ext. W-7 is the certificate of educational qualification and Ext. W-8 is a letter dated 7-7-95 issued by the Regional Office, Patna to the Zonal Manager requesting therein in the last but one para that the compromise of the party may give good effect whenever the party likes to forgo past benefit. It shows that the concerned workman has been discharging his duty as Class-IV workman as sweeper as cleaning of office and godown the in job of sweeper and opening and cleaning the godown and sheds in the job of watchman and to do all the other miscellaneous work as mentioned in Ext. W-6 are the work of messenger, therefore, he was discharging his duty as sweeper, watchman, messenger which are substantive post in Food Corporation of India and there are huge vacancy against post in view of Ext. W-3.

Since the concerned workman was working as Class-IV workman, therefore, in the light of the Judgement of Hon'ble Supreme Court reported in AIR 1990 page 371 he is entitled to get wages and all other benefits or regular employees since 22-4-84.

6. The management argued that the concerned workman cannot be regularised. He has been working since 22-4-84 as casual worker and he is still working and he has not been removed from service. He is doing duty for one and half hour as there is no sufficient work for whole day. It has also been argued that the concerned workman was engaged for 15-20 days in a month for doing such jobs, but this fact is not believed because office is working daily. The concerned workman is cleaning the office after opening it. When office is opened daily so it shows that the concerned workman is working daily for doing his job. Ext. M-1 shows that he has done duty in the month of May, 1994—19 days, August, 1994 -19 days and April, 1994 -22 days. August, 85 -21 days, January, 86 - 22 days etc. Ext. W-1 shows certificate issued by Depot Incharge regarding duty performed by the concerned workman,

Ext. W-2 is circular dated 5-6-87 issued by the management for regularisation of such casual labour who has worked upto 2-5-86 and had completed 89 days. The concerned workman has completed more than 89 days in a year and as per circular he should have been regularised because he has worked before 2-5-86. Ext. W-6 shows that he has worked in the month of April, 1986 for 22 days. The statement of MW-1 is very material. He has stated in cross-examination that it has not been mentioned in the bills in Ext. M-1 series that the concerned workman worked for one and half hours daily. It shows that the concerned workman he worked for whole day he has again stated that in the column-4 of exhibits full days work has been written. So, it cannot be presumed that the concerned workman has worked for one and half hours duty daily. Exts. M-1/1 and M-1/2 have been signed by MW-1 himself as Depot Incharge and full day payment was made to the concerned workman. MW-1 has also stated that the attendance of the workman was noted for whole day in the Attendance Register. Attendance sheet shows that all miscellaneous jobs were being done by the concerned workman. Again he has stated that the concerned workman is still working since the year 1984. His attendance was marked only 20 to 25 days giving break for 1 or 2 days in a week. It only shows that the concerned workman was working regularly in whole month. MW-1 again has stated in cross-examination at page 2 that the concerned workman's bill was passed for 25 to 29 days work besides these bills Ext. M-1 series. MW-2 has stated in cross-examination that there is no messenger, peon or sweeper in the depot. Watchman and messenger do the work as sweeper in the depot. The workman concerned worked as sweeper and water carrier and also opening of the room of the office in the morning and closing the same in the evening. It shows that the concerned workman was doing whole day's job since 22-4-84. As per circular dated 6-5-1987 (Ext. W-2) casual/daily rated employee who has completed 89 days as on 2-5-1986 is entitled for regularisation. The concerned workman has completed more than 89 days work as on 2-5-1986.

In view of the discussions made above, I hold that the concerned workman is entitled for his regularisation in service of the management in Class-IV post w.e.f. 22-4-1984 with 50% back wages.

7. Accordingly, I render the following award—

The action of the management of F.C.I. in not regularising the services of class-IV workman and denying wages and all other benefits of a regular Class-IV workman w.e.f. 22-4-84 to Shri Madan Mohan Singh, casual workman is not legal and justified. Hence, the concerned workman is entitled for regularisation as Class-IV workman w.e.f. 22-4-1984 with 50% back wages and other consequential benefit.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 3547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार सुधीर ट्रान्सपोर्ट लिमिटेड के प्रबंधनतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी.आर. सं.-39/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2009 को प्राप्त हुआ था।

[सं. एल-26011/2/2003-आई.आर.(एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 3547.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.C.R. No.39/2003) of the Central Government Industrial Tribunal/ Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sudhir Transport Limited and their workman, which was received by the Central Government on 2-12-2009.

[No. L-26011/2/2003-IR (M)]

KAMAL BAKHNU, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 6th February, 2006

PRESENT : Shri A. R. Siddiqui, Presiding Officer
C. R. No. 39/2003

I Party

Sh. M. Selvarajan,
President, VISL Mines Employees
Union, Gouse Sub Line, Old Town,
Bhadrapati,
SHIMOGA

II Party

1. The Executive Director,
SAIL, VIS Pl. nt, Bhadravati,
SHIMOGA - 577301.

2. The Director,
M/s. Sudhir Transports Ltd.,
Handling Agents, Regd. Off.
No. 86, Old Madras road,
Dooravaninagar,
BANGALORE-560016.

APPEARANCES

I Party : Shri M. Selvarajan, President

II Party : 1. Sh. A. Pinto, Advocate

2. Sh. M. L. N. Reddy, Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act 1947 has referred this dispute vide Order No. L-26011/2/2003-IR (M) dated 17-6-2003 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Sudhir Transport Limited is justified in terminating the services of 130 workers without complying with Sec 25 F of the Industrial Disputes Act, 1947, on issue of Notification of SO 707 dated 17-3-1993 ? If not to what relief the workmen are entitled to ?”

2. When the matter came up for hearing on 03-02-2006, the President of the I party Union filed a memo along with the copy of the order in W P No. 54139 of 2003 (L-RES) dated 15-12-2005 to show that the reference on hand which was challenged before the High Court in the said Writ Petition by the I party Union has been set aside and the Union of India represented by its Secretary, Ministry of Labour, Delhi (Respondent 1 in the Writ Petition) is directed to reconsider the matter and pass the order afresh regarding the reference in the light of the observations made in the Order.

3. Similarly, counsel representing the II party No. 2 namely the Director, Sudhir Transports Limited, representing by its Managing Director also filed a memo along with the copy of the aforesaid order and both the counsels for the parties submitted that proceedings on hand may be closed as the reference made to this tribunal does not exist in the light of the above said order of the High Court.

4. The operative portion of the above said order reads as under :

“Writ petition is allowed. The impugned order dated 17-6-2003 vide Annexure-E is set aside. The respondent No. 1 is directed to reconsider the matter and pass the order afresh regarding the reference in the light of the observations made above and after examining the controversy raised before it. The respondent shall pass the order within three months from the date of receipt of a copy of this order. No costs.”

5. Therefore, in the light of the above the reference on hand survives no more and accordingly it is to be rejected. Hence the following order.

ORDER

Reference stands rejected.

(Dictated to L.D.C. transcribed by him, corrected and signed by me on 6th February, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 3548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 131/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/81/2001-आईआर(बी-II)]

यू.एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 4th December, 2009

S.O. 3548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.131 / 2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 4-12-2009.

[No. L-12012/81/2001-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : Shri N. K. Purohit, Presiding Officer

I. D. No. 131/2001

Ref. No. L-12012/81/2001-IR (B-II), dated : 17/23-8-2001

BETWEEN

Shri Mewa Ram, S/o Sh. Ram Chandra,
Vill. Mauja Gopalpur, Dr. Patpurva,
Via-Chaukhadia,
Distt. Bahraich, U.P.

AND

The Regional Manager,
UCO Bank,
Zonal Office, 23, Vidhan Sabha Marg,
Lucknow (U.P.)- 226001

AWARD

23-11-2009

1. By order No. L-12012/81/2001-IR (B-II), dated 17/23-8-2001, the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14of 1947) referred this industrial dispute between Shri Mewa Ram, S/o Sh. Ram Chandra, Vill. Mauja Gopalpur, Dr. Patpurva, Via-Chaukhadia, Distt. Bahraich, U.P. and the Regional Manager, UCO Bank, Zonal Office, 23, Vidhan Sabha Marg, Lucknow (U.P.) for adjudication.

2. The reference under adjudication is :

“Whether it is a fact that the disputant Shri Mewa Ram was employed as a Class IV staff during the period from 16-4-1988 to 22-6-1998 by the management of UCO Bank, Zonal Office, Lucknow ? If so, whether the action of the management to terminate the disputant w.e.f. 22-6-1998 is legal and justified ? If not justified, what relief is the disputant concerned entitled to ?”

3. The case of the workman, Mewa Ram, is that he was employed on the post of Class IV employee of the Bank for which he was not given any appointment letter and worked as such continuously for more than 240 days still his services has been terminated by oral order w.e.f. 22-06-98 without assigning any reason or notice or notice pay in lieu thereof which has resulted into violation of Section 25 F of the Industrial Disputes Act, 1947. It has been submitted by the workman that he had been paid @ Rs.25 per day at the time of his termination and the action of the workman terminating his services without complying provisions of Section 25F of the Act, comes in purview of illegal retrenchment and accordingly, he has prayed for reinstatement with full back wages.

4. The management of the UCO Bank has refuted the claim of the workman by filing its written statement whereby it has submitted that the workman has never been appointed on the post of Class IV employee in the Bank instead he was engaged for some time to fetch water in the Aminabad branch of the Bank for which he was paid on daily wage basis, thus, he has never been in regular employment of the Bank. The Bank has specifically denied the continued working of the workman in the Bank for more than 240 days and has submitted that Bank is a public sector enterprises and has well defined norms for recruitment and it has not violated any of the provisions of the I.D. Act since the workman was not a regularly appointment employee of the Bank, therefore, provisions of said Act are not attracted in his case. Accordingly, the management of the Bank has prayed that the claim of the workman be rejected without any relief.

5. The workman has filed its rejoinder whereby he has only reiterated its averments in the statement of claim and has not introduced any new fact.

6. The parties filed documentary evidence in support of their respective cases . The workman examined himself in support of his claim whereas the management filed affidavit of Shri M.K. Chatterjee, Sr. Manager but the workman did not turn to cross-examine him in spite of ample opportunity being extended to him, accordingly the case was ordered to proceed ex-parte against workman vide order dated 4-01-2007. At the direction of Tribunal the management filed a statement (C-46), showing details of work in respect of the workman with the Bank for which he has been paid. Neither workman nor his representative turned up even for arguments.

7. Heard arguments of management side only and perused relevant material on record.

8. Learned representative on behalf of the management has submitted that the workman has never engaged by the branch for more than ten to fifteen times in a month for about half an hour for fetching water as there were permanent employees available. As per working chart submitted by the workman he had never worked continuously for 240 days in any calendar year and as per his own admission his services were terminated on 22-6-96. During twelve preceding months from the date of alleged termination he had worked for a period of 34 days only. Thus, the case of workman does not fall within purview of Section 25 F of the Act. The statement of working chart also reveals that the amount alleged to have been paid to the workman relates to price/cost of goods purchased by the bank and not the wages paid to the workman. Thus, the claim of the workman is not maintainable.

9. The question, thus, arises for consideration is whether the workman was employed as a class IV staff during period 16-4-88 to 22-06-98 and has been terminated from service in violations of provisions under Section 25 F of the I.D. Act ?

10. In this regard the workman, Mewa Ram has stated in his statement on oath that he had worked in the Bank's Aminabad branch from 16-4-88 to 22-06-98 as waterman and his services have been terminated w.e.f. 22-06-98. In support of his statement the workman has produced photocopies of three certificates dated 5-11-90 (6/3), 15-1-91 (6/4) and 7-11-90 (6/5), wherein it is mentioned that workman was working in the branch as waterman. The management has denied the genuineness of the above certificates. The workman has not produced the original certificates. As far as certificate dated 7-11-90 is concerned it is in the name of Raksha Ram. The workman has also produced photocopies of vouchers dated 16-4-88, 27-11-99, 11-2-91 & 11-2-91 (6/6 to 6/9) respectively. According to above vouchers payments of Rs. 15, 15, 10, & 15 respectively has been made for the getting water in office premises for particular dates mentioned therein. The other documents are copies of applications given by the workman subsequently for reinstatement and photocopies of postal receipts and AD.

11. It is evident from the documents produced by the workman that they pertain to period prior to year 1992. There is no record on the basis of which it can be inferred that during period from 1992 to alleged dated of termination i.e. 22-6-98, the workman had worked in the branch. Moreover, in cross-examination the workman himself has admitted that there is no document on the record in his possession to show that he had worked for more than 240 days. He has stated that for payment of wages sometimes the vouchers were prepared in the name of other persons. In this respect he has pointed out Voucher 6/9. According to the workman this voucher is in the name of Ram Avtar whereas he has signed as Ram Avtar but on the basis of above voucher the workman cannot take benefit of wrong

committed by him. Further the workman has stated on oath that his services have been terminated w.e.f. 22-6-98 whereas in his application dated 21-4-97, submitted to the Divisional Manager for reinstatement he has alleged that his services were terminated w.e.f. 12-5-97 without any notice. In cross-examination the workman has admitted his signature on said application. Thus, there is material contradiction on this point, when his services were terminated, therefore, the statement of the workman regarding alleged termination is not believable.

12. The management witness Sh. N. K. Chaterjee, the then Sr. Manager of the Aminabad branch, Lucknow has stated that the workman was never engaged or appointed in regular or temporary capacity in IV class category in the branch rather his services were availed for fetching water from outside as and when required and for that he was paid his daily water charges under the 'Head of Daily Misc. Work Expenses'. He has further stated that the workman had never worked continuously for 240 days in any calendar year and as per working chart submitted by the workman has worked from 23-6-97 to 22-6-98 for a period of 34 days only. There is no cross-examination on the above facts by the workman side. Thus, there is no reason to disbelieve the statement of the management witness. During the pendency of the reference Shri B. K. Goyal, Sr. Manager of the branch submitted an affidavit, C-22, regarding availability of vouchers regarding payment to the workman during January, 1994 to June, 1998 along with list mentioning details of payment made to the workman during said period vide order dated 05-01-2007, the Tribunal directed to produce entire vouchers or to prepare statement date wise with the details of work for which workman has been paid. In compliance of the said order vide application C-45 dated 23-01-2007, details of the payment made to the workman from Jan., 1994 to June, 1998 year wise submitted by the Bank. According to said details the number of month in a particular year, number of working days and amount paid are as under :

Year	No. of days	Amount
1994 (Jan to Dec)	216	3850
1995 (Jan to Dec)	210	4115
1996 (Jan to Dec)	221	5317
1997 (Jan to May)	74	2628
1994 (Jan to June)	34	1377

13. This goes to show that the workman was not continuously working for 240 days in every year as has been alleged by him in his statement of claim. It is also evident that worker had not worked for 240 days during preceding twelve months from the date of his alleged termination i.e. 22-6-1998 as contemplated under Section 25-F with Section 25-B of the I.D. Act.

14. It is well settled that the party challenges the legality of order the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the court must fail. In 2002 (93) FLR 179 the Hon'ble Apex Court has observed :

"It was the case of the claimant that he had so worked but his claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for that period was produced by the workman. On this ground alone, the award is liable to be set aside."

15. In the present case since the workman has failed to prove that he had worked for 240 days in preceding twelve months from the date of his alleged termination i.e. 22-6-1998, the case of the workman does not fall within the purview of Section 25-F of the I.D. Act. Thus, the workman is not entitled for any relief.

16. The reference under adjudication is answered accordingly.

Lucknow

23-11-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 3549.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 60/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/49/2007-आई.आर.(बी-11)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 4th December, 2009

S.O. 3549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.60/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Indian Bank and their workman, which was received by the Central Government on 4-12-2009.

[No. L-12012/49/2007-IR(B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 25th November, 2009

Present : Shri A. N. Janardanan, Presiding Officer

Industrial Dispute No. 60/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of

the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their Workman)

BETWEEN

Sri P. R. Neyveli : Petitioner/ I Party
Vs.

The Dy. General Manager : Respondent/ II Party
Indian Bank Circle Office,
Jenny Plaza,
5-F Bharathiar Salai, Cantonment
Trichy - 620001.

APPEARANCES

For the Petitioner : M/s V. Ajoy Khose
For the Management : M/s T. S. Gopalan & Co.

AWARD

The Central Government, Ministry of Labour vide its Order L-12012/49/2007-IR (B-II) dated 23-10-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is :

"Whether the punishment of compulsory retirement with superannuation benefits imposed on Shri P. R. Neyveli by the management of Indian Bank, Trichy is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 60/2007 and issued notices to both sides. Pursuant to notice under RPAD, both sides entered appearance through their Advocates and filed their Claim and Counter Statements respectively.

3. The contentions raised in the Claim Statement are briefly as follows :

While the petitioner was working as Clerk in Alagapuri branch of the Respondent/ Bank, then with a service of 25 years was charge-sheeted on 17-08-2004 alleging of having made fictitious entries in Pass Book of Mr. Kannan, SB A/c No. 4397, tampered the same, short remitting a sum of Rs. 2,500 handed over to him against SB A/c of A. Karappaiah by remitting only Rs. 100 for opening the account and misappropriating the balance and also making fictitious entry for Rs. 2,500 in the Pass Book. The Petitioner explained in response to notice. It was enquired into and he was found guilty. The finding is perverse. Enquiry was not fair and proper, punishment of compulsory retirement was proposed which was thereafter ordered against him, the appeal preferred ended in failure. Thereafter the dispute arose which is eventually referred to this Tribunal. There is no finding of misappropriation. Compulsory retirement is bad. There is no evidence to prove the charge. Appellate Authority's finding was only as to negligence. The punishment imposed is to be held illegal and unjustified and the petitioner is to be reinstated into service.

4. In the Counter Statement, the contentions raised can be summed up as follows :

An enquiry was held from 17-08-2004 which ended by 31-05-2005. In the report charges were held proved. The punishment of compulsory retirement was proposed and awarded after personal hearing. He is guilty of misappropriation. The Petitioner had admittedly made the fictitious credit entries in the Pass Book. The pleas raised in the Claim Statement would not militate against the findings of the Enquiry Officer. The petitioner is already in receipt of his Gratuity, PF dues and is regular recipient of pension. The bank lost confidence in him and his claim cannot be entertained much less for reinstatement. The petitioner should thank the Respondent for the lenient punishment given entitling him to get all retirement benefits. The punishment is only to be upheld.

5. The evidence consists of Ex.W1 to Ex.W11 on the petitioner's side and Ex.M1 to Ex.M7 on the Respondent's side, all marked on consent. No oral evidence was adduced on either side.

6. Points for consideration are :

- (i) Whether the punishment imposed on the petitioner by the Respondent Bank is legal and justified?
- (ii) To what relief the concerned workman is entitled?

Point Nos. 1 & 2

7. Heard both sides. I have perused the enquiry proceedings, enquiry report and all the relevant documents. Having gone through the relevant considerations and the findings rendered by the Enquiry Officer, it could well be found that the enquiry was fair and proper. It went well culminating in the finding rendering the correct decision as to the guilt of the petitioner who is proved to have committed misappropriation of money of the branch of the Respondent/Bank. The petitioner has participated in the enquiry and there is no denial of natural justice in the manner of conducting the enquiry. The finding is also fair and proper. The punishment imposed is also only just and proper. In fact as averred by the Respondent in the Counter Statement, the petitioner should extend his gratitude to the Respondent/Bank for having conferred on him a lenient punishment of compulsory retirement by which he has become entitled to retiral benefits which he has already obtained and he is continuing to receive regular pension monthly.

8. Having regard to the fact that the misconduct by the petitioner is very serious in nature which is misappropriation of public money, the petitioner does not deserve any leniency. The punishment is only to be upheld as legal and justified and it is found so. The petitioner is, therefore, not entitled to any relief.

9. The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	01-02-2002	Show Cause Notice issued by the II Party to the I Party
Ex.W2	09-03-2002	Representation sent by the I Party
Ex.W3	22-11-2004 to 24-01-2005	Enquiry proceedings
Ex.W4	17-8-2004	Summing up submitted by the I Party on the Domestic enquiry
Ex.W5	17-08-2004 to 18-04-2005	Enquiry findings
Ex.W6	17-8-2004	Comments on the finding of Enquiry Officer by the I Party
Ex.W7	12-01-2006	Representation sent by the I Party to the General Manager/Disciplinary Authority
Ex.W8	27-03-2006	Representation sent by the I Party to the Appellate Authority
Ex.W9	15-05-2006	Representation sent by the I Party to the Appellate Authority
Ex.W10	03-08-2006	Industrial Dispute raised by the I Party before the Assistant Labour Commissioner
Ex.W11	02-01-2007	Rejoinder filed by the I Party before the Asstt. Labour Commissioner

On the Management's side

Ex.No.	Date	Description
Ex.M1	18-10-2003	Show Cause Notice issued to petitioner
Ex.M2	17-08-2004	Charge Sheet issued to petitioner
Ex.M3	17-02-2005	Findings of the Enquiry Officer
Ex.M4	06-01-2006	Second show cause notice issued to Petitioner proposing punishment
Ex.M5	24-02-2006	Order imposing Punishment
Ex.M6	15-05-2006	Proceedings of personal hearing before the Appelate Authority / GM (IED)
Ex.M7	16-06-2006	Order of Appelate Authority dismissing the Appeal.

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 3550.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण, श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 35/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/22/2006-आई.आर.(बी-11)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 4th December, 2009

S.O. 3550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.35/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 4-12-2009.

[No. L-12012/22/2006-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 27th November, 2009

Present: A. N. Janardanan, Presiding Officer
Industrial Dispute No. 35/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bank of Maharashtra and their Workman)

BETWEEN

Sri. Sunder Singh Asirvatham : Ist Party/Petitioner
Vs.

The Asstt.General Manager : II Party/Management
Bank of Maharashtra
No.4, Sivaganam Road, T. Nagar
Chennai-600017

APPEARANCE

For the Petitioner : Sri Abbass Yezaz, Authorized
Representative

For the Management : M/s. S. Jayaraman, H. Balaji

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/22/2006-IR(B-II) dated 2-6-2006 referred

the following Industrial Disputes to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the punishment of dismissal from service imposed on Sri V. Sunder Singh Asirvatham by the management of Bank of Maharashtra is legal and justified? If not, to what relief the workman is entitled to?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as I.D. 35/2006 and issued notices to both sides. Both sides entered appearance. The petitioner appeared in person and the Respondent through counsel and filed their Claim, Counter Statement and rejoinder statement as the case may be.

3. A summary of the claim statement is as follows :

The petitioner, a Sub-staff in the Tuticorin Branch of the Respondent/Bank was compulsorily retired which is wrongful and illegal. He joined the service in 1986. He had obtained one Cheque Book in January, 1999 as Account Holder of the branch which was without entering in the Cheque Books issue Register. Noticing in January 2000 that 3 Cheque Books were missing, the petitioner was compelled to undertake in writing on 5-2-2000 that he had taken the Cheque Books. On 07-05-2002, he was charge sheeted for 4 misconducts. In the domestic enquiry held on 10-7-2002, he admitted the charges and finding of guilt was entered. After a personal hearing on 11-3-2003, the proposed punishment of dismissal from service without notice was imposed by an order dated 29-3-2003. In the appeal preferred, the punishment was only modified to compulsory retirement. His mercy petition was also turned down. The reference is occasioned thereafter on failure of conciliation. The charge sheet was in terms of superseded provisions and is invalid, ab initio. The charge sheet is not in conformity with the procedure and the rules. The charge cannot be under any provisions that are not essentially enumerated as misconduct. Return of the cheques in the account is not an enumerated misconduct. It is after two years of obtaining a letter under compulsion that he was charge sheeted without there being any action during the interregnum. It is against the specific mandate that the intimation of a proposed disciplinary action has to be communicated within 3 days. In spite of a voluntary admission by him, enquiry was held against Clause-12 (e) of the Memorandum of Settlement on disciplinary matters. The copy of the enquiry proceedings was not given to him. No witness was examined. The documents were merely marked. The enquiry is defective and should be set aside. The charge was held proved without properly appreciating the evidence. For a misconduct not enumerated, proposing dismissal is bad apart from violative of natural justice. Hence the claim to reinstate the petitioner by setting the dismissal aside.

4. The contentions raised in the Counter statement briefly read as follows :

The petitioner admitted the removal of the cheque books by him without knowledge of the Bank. One cheque dated 20-12-1999 issued to Mr. M. Fidclis Valvaris for Rs. 20,000 by the petitioner was returned dishonoured for insufficiency of funds. He admitted having had borrowed heavily for personal necessities. Due to absence of substantiation by the petitioner as to the fact of his statement that the other cheques were destroyed, a contingency is likely to result in future loss to the bank. The petitioner admitted the charges. For Charge 1, dismissal modified and reduced in appeal was imposed. In respect of Charges 2 and 3, reduction by one state each was confirmed and censure. For Charge 4, Appellate Authority ordered all the 4 punishments to run concurrently. It is not correct to say that the petitioner obtained only one Cheque Book in January, 1999, without entering in the Issue Register. There was no coercion against him. Memos issued were against misconducts enumerated. That there is delay in proceeding is devoid of merit. Only for complying with the principles of natural justice, an enquiry was held even after voluntary admission of guilt. The documents were duly marked which prove the case against the petitioner. The punishment is only to be upheld.

5. In the Rejoinder Statement over and above what is stated in the Claim Statement, by way of repetition, the following further contentions are raised :

The High Court of Kerala held that "return of cheques" cannot be construed as acts of misconduct much less a conduct prejudicial to the interests of the bank. The there exists a future contingency loss to the bank is false. There is violation of principles of natural justice. In the enquiry there was no examination of witnesses for identification of documents by the Management. The enquiry is perverse. Hence the claim.

6. Points for determination are :

(i) Whether the punishment imposed on the petitioner is legal and justified ?

(ii) To what relief the concerned workman is entitled ?

7. On the side of the petitioner, Ex.W1 to Ex.W11 and on the side of the Respondent Ex.M1 to Ex.M12 were marked, all on consent. No oral evidence was adduced on either side.

Point Nos. 1 & 2

8. This is a case of missing of 3 Cheque Books which the Respondent alleged the petitioner to have had removed without consent of the bank of which one Cheque Book the petitioner alleges to have been issued to him as an account holder of bank but without any entry of issuance

of the same being made in the Cheque Book Issue Register. According to the petitioner, he was coerced to confess having removed the Cheque Books and accordingly, he made the confession. But according to the Respondent the petitioner was voluntarily confessing to have removed the Cheque Books from the bank. Again according to the Respondent in a case where there is confession of the guilt, it is normally not necessary to hold and enquiry but in the instant case an enquiry was held so as to satisfy the principles of natural justice. In the enquiry the charges were (i) that the petitioner removed 3 Cheque Books without knowledge of the bank (ii) Cheque for Rs. 20,000 issued by him was returned dishonoured (iii) the petitioner did not surrender the unused Cheque Books and (iv) petitioner incurred excessive borrowings. The petitioner is seen to have admitted the charges by way of his letters addressed to the Respondent and also in the enquiry. In the enquiry held there was a defence representative provided to him who together with the petitioner participated in the enquiry. In the enquiry no witnesses were examined. The documents were merely marked as is alleged by the petitioner. He would assail the enquiry and the finding rendered holding him guilty and the punishment, initially proposed and later imposed for dismissal from service as bad and is against the principles of natural justice which is against a minor misconduct but which amounts shockingly disproportionate punishment.

9. According to the Respondent, the enquiry was held for meeting out natural justice to the petitioner. The petitioner having had confessed the charges, it was actually not necessary for any such enquiry. The enquiry was fair and proper and finding is also proper.

10. In this ID, only the representative of the petitioner advanced the arguments. The learned counsel appearing for the other side did not turn up or advance any arguments. The representative for the petitioner argued that the allegation against the petitioner being not one under the enumerated categories of misconduct, the punishment imposed is only to harass him. The incident was in the year 2000. Only after three years, disciplinary action has been initiated by issuing a charge sheet. He would further argue that dishonour of cheque is not a misconduct and it has been so held by the Hon'ble High Court of Kerala. It is illegal for the Enquiry Officer himself to have suggested the punishment without referring to the Disciplinary Authority. Missing of the cheques could also be incidence of the factum of issuance of the same not having been noted in the Cheque Book Issue Register, which was only found during audit. There was a view expressed by the prior AGM that the matter of missing of cheques being purely an internal matter and no monetary loss would be resulted if any by taking preventive measures, the matter may be closed. Adverting to and pointing out the past record of the petitioner also as clean, it is prayed that he be reinstated.

11. Though the enquiry is challenged by the petitioner, the same is not put on challenge before this Tribunal to be determined in a preliminary issue. The documents admitted in evidence in the domestic enquiry have been marked on consent before this Tribunal. This fact gives a go by to the contention that the admission of the documents before domestic enquiry is not proper. Therefore, it is only to be held that the enquiry against the petitioner is proper.

12. While the case of the petitioner that the confession made by him was brought about under coercion is a matter to be proved him in as much as that contention is emphatically denied by the Respondent over and again. Though petitioner has clung to that stand all along, he has not come to the box to depose to that aspect for which the burden lies only upon him. Therefore, it cannot be countenanced or he cannot be heard to say any longer that his confession was under coercion. It is also pertinent to note that he himself has made it clear in his own written representations or submissions that his confession was voluntary. To illustrate it may be fruitful to note his challenge against the holding of the very enquiry after he has voluntarily made the confession.

13. As it is leaving the matters regarding the enquiry intact, the next consideration is whether the punishment imposed upon the petitioner is legal and justified. It is germane to consider whether it is a punishment shockingly disproportionate to the gravity of the misconduct or one which no reasonable man would have imposed in the circumstances of the case.

14. The foremost charge is the removal of 3 Cheque Books by the petitioner which the petitioner has himself admitted but alleges as having made under coercion which is not substantiated and therefore only to be held proved. The second is dishonour of cheque. Third is not surrendering of unused cheque books and the last one is incurring of excessive borrowings. Dishonour of cheque issued by the petitioner is not to be found to have rational nexus with any misconduct in relation to the petitioner as also being prejudicial to the bank's interest. Judicial decisions support such a view. Regarding non-surrendering of unused Cheque Books, the case of the petitioner by way of admission itself is that they have been destroyed. Therefore, the same is also not to be found an instance of actionable misconduct by the petitioner since the same is an aftermath wrong of the confessed misconduct. Again the incurring of excessive borrowings by the petitioner also cannot be held proved. No proved facts or circumstances herein, could be found to afford a ground for imposing a shockingly disproportionate punishment on him. The petitioner had made repeated entreaties before the Disciplinary Authority and the authority superiors in the hierarchy and eventually by a petitioner to extend mercy towards him under a benign consideration taking into

account the hard hit circumstances in which he is placed in relation to his family as could be found divulged in the representation's made by him as a last resort to escape from the major punishment which did not find favour with them. The fact that he a Sub-Staff has to sustain him family consisting of mother, wife and children and is in pressing circumstances to raise money for necessities. Though non-causing of a loss to the bank perse cannot be a mitigating circumstance for lesser punishment and misplaced leniency or sympathy cannot have any role in bringing a major punishment to minor one on a far-weighing and balancing considerations and to meet the ends of justice the punishment imposed on the petitioner requires to be modified and reduced taking away the punishment of compulsory retirement imposed on him. Instead petitioner be imposed a lesser punishment of reduction by one stage in the scale of pay for 2 years without cumulative effect. The modification by reduction of the punishment order is for the reason that the punishment is shockingly disproportionate and the power of the Tribunal extends to do so for any other good and valid reasons as well. The reduction of the punishment from dismissal to compulsory retirement by the Appellate Authority itself is not enough to cause a cessation of the shocking nature of the punishments. The order thereto lacks the attribute of a well speaking order.

15. Resultantly, the punishment of compulsory retirement is set aside and instead the punishment of bringing down by one stage in the scale of pay for 2 years without cumulative effect be imposed on the petitioner. Consequently the Respondent shall reinstate the petitioner into service forthwith 75% backwages, continuity of service and all other attendant benefits, and thereafter he be visited with the punishment as above.

16. The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th November, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:-

For the 1st Party/Petitioner :

None

For the 2nd Party/Management :

None

Documents Marked :-

From the Petitioner's side

Ex.No.	Date	Description
Ex.W1	7-5-2002	Charge Sheet
Ex.W2	25-7-2002	Enquiry findings dated
Ex.W3	13-9-2002	Letter dated addressed to DA

Ex.W4	11-3-2003	Personal hearing
Ex.W5	18-3-2003	Letter from the Management dated
Ex.W6	29-3-2003	Final orders
Ex.W7	29-3-2003	Appeal presented letter
Ex.W8	28-6-2003	Proceedings of appeal
Ex.W9	22-1-2004	Appellate order
Ex.W10	20-3-2004	Mercy Petition
Ex.W11	10-4-2002	MoS dated 10-4-2002

From the Management side

Ex.No.	Date	Description
Ex.M1	Feb.2000	Confirmation letter by the petitioner
Ex.M2	15-2-2000	-do-
Ex.M3	18-2-2000	Letter by the petitioner
Ex.M4	23-7-2001	Memo issued to Mr. R. S. Narayanan
Ex.M5	15-2-2000	Note to the Regional Manager
Ex.M6	23-7-2001	Memo issued to Mr. P. Lakshminarayanan
Ex.M7	20-9-2001	Explanation submitted by Mr. P. Lakshminarayanan
Ex.M8	23-7-2001	Memo issued to Mr. R. S. Narayanan
Ex.M9	23-7-2001	Memo issued to Mr. P. V. Pattabiraman
Ex.M10	1-8-2001	Reply submitted by Mr. Pattabiraman
Ex.M11	23-7-2001	Action Taken Report
Ex.M12	9-4-2002	Letter to Chief Manager Vigilance from AGM

नई दिल्ली, 8 दिसम्बर, 2009

का.आ. 3551—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियेन्टल इंसोरेन्स कम्पनी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एरनाकुलम के पंचाट (संदर्भ संख्या 60/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2009 को प्राप्त हुआ था।

[सं. एल-17012/33/2003-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th December, 2009

S.O. 3551.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.60/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Oriental Insurance Company and their workmen, received by the Central Government on 8-12-2009.

[No. L-17012/33/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri P. L. Norbert, B.A., LL B., Presiding Officer
(Monday the 23rd day of November, 2009/2nd
Agrahayana, 1931)

I. D. 60/2006

(I.D. 9/2004 of Industrial Tribunal, Idukki)

Union :

The General Secretary,
Kerala State General Insurance Employees Union,
P.B. No.1810, Saroj Bhavan,
4th Floor, City Towers, Ernakulam.
Cochin -682016

By Adv. Anil D. Kartha

Management :

The Regional Manager,
The Oriental Insurance Company,
Regional Office, Metro Palace,
North Railway Station Road,
Ernakulam, Cochin -682018

By Adv. Shri. Saji Issac K.J.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The claimant Smt. Ancy Abraham was a Cashier of Oriental Insurance Company Ltd., Kottayam Divisional Office. While so, she was served with a memo of charges on 18-8-1999 alleging that she had refused to accept premium from the development officers and public on several occasions and to issue receipts. An enquiry was conducted and the worker was found guilty. The Disciplinary Authority imposed a punishment of reduction in the time scale by 10 stages. In appeal the appellate authority limited the punishment to reduction in the time scale by one stage. The union which has espoused the cause of the worker has questioned the correctness of the findings and the proportionality of the punishment. The union has also questioned the validity of enquiry.

2. According to the management the enquiry was conducted fully complying with the principles of natural justice. The findings are entered by the Enquiry Officer

based on evidence. Only a minor punishment is imposed by the management taking a lenient view in the matter. It is legal and in no way disproportionate.

3. The question of validity was considered as a preliminary issue and an order was passed on 7-10-2009 holding that the enquiry is valid. Thereafter the case was posted for hearing. But the union remained absent continuously. Today when the case was taken up both sides were absent and there was no representation also. Hence the reference is taken up for disposal.

4. The points that arise for consideration are :

1. Whether the findings are sustainable?

2. Whether the punishment is legal and proper?

The evidence consists of the oral testimony of MW1 (Enquiry Officer) and documentary evidence of Exts. M1 to M1 (f) on the side of the management.

5. Point No. 1:- As per the preliminary Order dated 7-10-2009 it was found that the enquiry is valid and proper. Hence the findings of Enquiry Officer are beyond challenge. That apart there is enough material on record both oral and documentary as per Ext.M1 series to support the charges levelled against the worker. Therefore there is no reason to hold that the findings are perverse.

6. Point No. 2:- Though the disciplinary authority had imposed the punishment of reduction in the time scale by 10 stages, the appellate authority reduced the punishment limiting it to reduction in the time scale by one stage. It is definitely a light punishment and in no way disproportionate. Even otherwise since it is a punishment not falling within S.11-A of I.D. Act this court has no power to interfere with the quantum of punishment.

In the result an award is passed finding that the action of the management in imposing the punishment of reduction in the time scale by one stage on Smt. Ancy Abraham is legal and justified and she is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant transcribed and typed by her corrected and passed by me on this the 23rd day of November, 2009.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Union

Nil

Witness for the Management

MW1 - 5-12-2005 - Sri. M. Easwara Narayanan.

Exhibits for the Union

NIL

Exhibits for the Management

M1	-	Enquiry report
M1(a)	-	Documents of management.
M1(b)	-	Documents of Defence.
M1(c)	-	Depositions of PWs. 1 to 7.
M1(d)	-	Depositions of PWs. 7 to 17.
M1(e)	-	Depositions of DWs. 1 to 7.
M1(f)	-	Depositions of DWs. 8 to 11 and charge sheeted employee.

नई दिल्ली, 8 दिसम्बर, 2009

का.आ. 3552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 1/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/259/99-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th December, 2009

S.O. 3552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 8-12-2009.

[No. L-12012/259/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHRAM BHAWAN, ATI
CAMPUS, KANPUR**

Industrial Dispute No. 1 of 2007

BETWEEN

Sri Ganga Ram Kashyap,
C/o B.N. Awasthi,
78/52, Latouch Road,
Kanpur.

AND

The Branch Manager,
State Bank of India, the Mall
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-12012/259/99-IR (B-1) dated 19-12-06, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of State Bank of India in terminating the services of Sri Ganga Ram Kashyap from the year 1982 is justified? If not, what relief he is entitled to?

3. Brief facts are—

4. Claimant has alleged that he was appointed by the opposite party on 8-2-82 on the post of temporary messenger and he worked for 102 days continuously in the Cooperative Industrial Estate Branch, Kanpur, of State Bank of India, but his services have been terminated on 16-10-82. As per bipartite settlement applicable in the bank there is arrangement to absorb the workers who had worked for 90 days, even then the opposite party has breached the provisions of the settlement and illegally terminated his services.

5. He has placed an application before ALC(C), Kanpur in the year 1989, which was rejected on 7-1-90. During the conciliation proceedings the opposite party has assured that the claimant will be absorbed, so the claimant did not press further action before the conciliation officer. There after the opposite party bank conducted an interview of the applicant on 30-11-90, and a list of the eligible candidates was prepared and the name of the claimant was placed at serial no. 165. Opposite party bank has absorbed the other workers junior to him but the claimant was not absorbed. Again the claimant filed complaint before the ALC(C), Kanpur, but the ALC(C) proceeded ex-parte and sent the proceedings to the MOL, Government of India, New Delhi, against which the claimant filed Civil Misc. Writ Petition which was decided on 3-10-06, by the Hon'ble High Court wherein the Hon'ble High Court directed the Government to refer the industrial dispute to the Labour Court.

6. Therefore, the claimant claimed that he has not been absorbed illegally and he is entitled to get job and to get the pay and allowances.

7. Along with the claim petition the claimant has filed copy of the order of the Hon'ble High Court.

8. The opposite party bank has filed its written statement. It is stated that the reference is vague in itself as the claimant has not mentioned anything regarding termination of the service before the ALC(C) Kanpur. The opposite party is a statutory body and they have got the prescribed procedure for appointment. The claimant has never been appointed after going through the prescribed procedure; therefore, question of termination of his service does not arise. Claimant has not worked for 240 days

continuously within the preceding 12 calendar months. Therefore, brach of the provisions of Section 25B of the I.D. Act, 1947, does not arise. Provisions of Section 25G and 25H of the Act are also not applicable as he has not been retrenched.

9. It is stated that the claimant was engaged in between 8-2-82 to October, 82 as temporary messenger for which there was no vacant post in the SBI Cooperative Industrial Estate Branch. The claimant was specifically informed that he was engaged for special purpose for the special need and during that period in between Feb. to Oct. he was engaged only for 102 days and he was given working days certificate by the branch manager for which he had worked. As there was no further need so the claimant was not engaged, but the claimant never raised any dispute either before the branch manager or any other industrial authority. The claimant has at the first instance has raised the dispute in the year before the ALC. There is no rule or laws in the bank that those workers who have worked for 90 days will be absorbed. It is stated that in between SBI and All India SBI Staff Federation there was an agreement on 17-11-87, 16-7-88, 27-10-88, 9-1-91, 9-6-95 and 30-7-96 to provide an opportunity to such employees who had worked in the bank as temporary for absorbing in the services of the bank and accordingly the bank conducted interview and prepared a waiting list of the selected candidates but that waiting list was only for those vacancies which were accruing only up to 31-3-97. Thereafter the waiting list has to be exhausted but till that date there being no vacancy in existence the claimant could not be appointed as the panel which were prepared earlier to that were not exhausted. Therefore the assertions made by the claimant have been denied and prayed for rejection to the claim.

10. The claimant has filed the certificates issued by the SBI Branch Manager dated 9-12-83 which is Ext. W1 showing that the worker has worked during the period Feb, 88 to October 88 for 102 days as temporary messenger. Copy of the news paper has also been filed.

11. Opposite party has filed two documents which are photo copies. One is certified copy of the claim made by the claimant before the ALC dated 4-8-98 and the second is certified copy of the written statement filed by the opposite party before the ALC(C).

12. Claimant has adduced himself as W.W.I Ganga Ram Kashyap and the opposite party has produced Sri Daya Shanker as M.W.I.

13. I have heard the arguments of both the parties at length and have perused the record and evidence and the rulings produced by the parties.

14. Witness of the opposite party has stated that the opposite party SBI is a statutory body and they have got their own prescribed procedure to appoint someone on temporary/regular or permanent post. Claimant was not

appointed against any post after undergoing through selection process. There was no vacancy. He was engaged for special need. Those who are appointed on regular post are eligible for regular pay and allowances.

15. He was not given any appointment letter. He worked only for 102 days.

16. From the oral as well as documentary evidence it does not appear that the claimant has been appointed on a regular or existing post. It appears that he was engaged for special need and he worked for 102 days for which working days certificate was given to the claimant which is Ext. W.1, but from this certificate he does not acquire the status of a regular or permanent employee. From the evidence it does not appear that his services have been terminated in the year 1982, though no date of termination has been given in the reference order. It is stated by the opposite party that when there was no need so he could not be engaged further.

17. It is also alleged by the claimant that as per bipartite settlement in the bank and the Federation he was called for the interview and his name was considered and placed in the panel at serial no. 165. Though this fact has not been denied by the opposite party but it was stated that a list was prepared for daily rated worker and temporary workers to be engaged them as permanent employee but this list exhausted on 31-3-97. As the vacancies could not arise further so the name of the claimant could not be cleared though he had worked only for 102 days.

18. It is also alleged by the claimant that from the list some juniors have been taken though in the statement he has named someone like Tej Ram and Santosh Tripathi but these names were not mentioned in the claim statement and also this is not in the reference order. No evidence has been adduced by the claimant to prove these facts, therefore, the claimant cannot be allowed to take advantage of these facts. Opposite party has stated that there is no

provision or rule in the bank that those who had worked for 90 days they should be absorbed. It is also contended by the opposite party that the claimant has not worked for 240 days regularly in 12 preceding calendar months, therefore, question of retrenchment does not arise. Opposite party has denied any breach of the provisions of the Act. I agree with the contention of the opposite party.

19. Opposite party has placed reliance on a number of rulings—

a. Civil Misc Writ Petition 17609 of 1985 Chief General Manager versus Presiding Officer Industrial Tribunal dated 5-12-06.

b. 2009 Lab IC 3371 SC Haryana State Co-operative Marketing Federation Ltd. Versus Sanjai.

20. I have gone through the law and the precedent laid down by Hon'ble Court. I respectfully abide by it. Opposite party has also contended that the worker has been disengaged in the year 1982 and he raised his dispute in the year 1989 before ALC as per claim statement allegation. So there is a long-long delay in raising the present dispute. He has placed reliance upon 2006 Lab IC 3046 SC, Assistant Engineer CAT Kota versus Dhan Kunwar—it held-delay in seeking reference-delay about 8 years-relief should not be granted by the Labour Court.

21. Therefore, considering all the facts and circumstances present in the case, I am of the view that the worker has not been able to establish his case. There is no breach of Section 25F or 25-B of the Act. There is no such statutory provision that the worker who had worked for special need for 90 days or above, then the worker should be absorbed. Hence, Award is decided against the worker and in favour of the opposite party.

Dated: 30-11-09

RAM PARKASH, Presiding Officer